







THE  
LIFE of JAMES II.  
Late KING of *England*.

CONTAINING

An ACCOUNT of His Birth, Education,  
Religion, and Enterprizes, both at Home and  
Abroad, in Peace and War, while in a Private  
and Publick Capacity, till his *Dethronement*.

WITH

The various Struggles made since for His  
*Restoration*; The State of His Court at *St. Ger-  
mains*; And the Particulars of His Death.

THE

Whole intermix'd with divers Original PAPERS,  
DEBATES, LETTERS, DECLARATIONS, &c.

AND

Illustrated with Several MEDALS.

To which is added, A

SUPPLEMENT of several Curious *Memoirs*, &c.

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The Second Edition, Corrected and Amended.

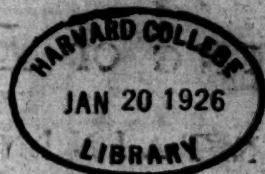
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LIFE OF JAMES



Richard W. Hale,  
Boston

The various struggles made for his  
... and the ... of his ...

Whom ...  
... of ...

... M.D.A.S.  
... of ...

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...  
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# THE PREFACE.

**A**S there are found very remarkable Occurrences in the Lives of all Men, tho' never in so low and inconsiderable a Station; much more may be said in respect to those of Princes and Great Personages, who moving in higher Spheres, their Actions must be much more Conspicuous and attended with greater Variety of surprizing Adventures, worthy to be transmitted to Posterity, as Cautionary or Instructive to their Successors, for whose Benefit they should be chiefly writ and intended.

I cannot think this Life that ensues can be less acceptable, because it has been so Unfortunate; for tho' Prosperities are more agreeable to our weak Natures, yet adverse Things are many times more beneficial to us, especially if we can but learn the Secret of making a right Improvement of the Inelicities of others, and endeavour to shun those dangerous Rocks whereon they have split.

I shall not enumerate in this place the Help I have had for the Composing of this Prince's Life and Reign, from his birth to his Grave, that will easily appear by the Perusal of it; but I must assume the Liberty to affirm, I have laboured all I could to lay aside all manner of Prejudices, and to state Matter of Fact as it best appear'd to me to be so, without regarding the Favour or Affection of either his Friends or Enemies, both which, perhaps, could be angry with me; tho' upon a just Consideration of Things, they have all the Reason imaginable to the contrary: And, I hope, it will be construed rather good Manners, than any Crime in me, to have forbore all opprobrious Expressions and Undecencies, concerning a Person that was once our Prince, and had it not been for the Misfortune of his Education in his younger Years, might have lived and died so.

Tho' I have not divided this Life into Periods within the Body of the Book, because the Tears in the Margin are a sufficient Distinction for that, as quadrating with



## The P R E F A C E.

as much Exactness, as well can be, with the Matter; yet 'tis remarkable, that there are Four notable Ones that occur therein; the first taking its Original from his Birth, and comprehending the State of his Youth, till his Escape beyond Sea, and his Foreign Military Services amongst the French and Spaniards, till the Restoration of his Brother Charles II. in 1660, from whence the Second begins, and is a Period, tho' not quite so long, in respect to the Number of Years, yet much fuller and interspers'd with greater Variety of Matter and Actions, both Military and Civil (which would be too tedious here to particularize) being continued down till February, 1684. when his Brother Charles II. departing this Life, this gave Rise to the Third Period, that takes in whatever was transacted by him in a Publick and Regal Capacity, till his fatal Troubles (whose Steps we have carefully traced) came on, as we may say, with winged Haste, and put an End to his actual Reign, in less than the Compass of Four Years; where the last begins, and in Substance contains all the Struggles made by him, both by Arms and Privately, for the Recovery of his lost Dominions, till his Death, of which you have here the Particulars, as well as his Character, and an Account of his Issue.

You'll find the Whole intermix'd with divers Letters, Declarations, and other Papers, that are hardly to be met with elsewhere; and, I hope, it will be thought some Imbellishment to this (in the main) his unfortunate Life, that it is illustrated with divers Medals that have been struck upon the more fortunate Occurrences of it; and whereas there is a short Appendix of Two or Three Original Papers added, it's a sufficient Excuse to say, they came to hand since the Rest was printed, and have References before them to direct the Reader to apply them to their proper Places.

But now that this Life has met with so favourable a Reception in the World, as to come to another Edition, these Papers are inserted in the Body of the Book, where they properly come in, tho' we have taken another Method in respect to those that compose the Supplement which are printed altogether by themselves at the latter End, and a Number over at a small Price, for the Use of those who bought the First Edition (which we thought our selves obliged to do in point of Justice) and they will easily, with a little Observation, know what Pages they be.

## The P R E F A C E.

long to in both Editions. It would take up too much  
 room to give an Account of all the Particulars contained  
 in the Supplement; but some Hints being not unnecessary;  
 we are to observe, that you'll first meet here with a Letter  
 written by the Earl of Clarendon, in 1668. to the  
 Duke of York, concerning his Dutcheſs turning Roman  
 Catholick; and another to his Daughter upon the ſame  
 Occaſion, in a moſt excellent Strain, and becoming ſo  
 great a Man, as indeed he was. Then you have an Ac-  
 count of the ſeveral Matches propoſed to the Duke after  
 his firſt Dutcheſs's Deceafe, the Perſons of many of them  
 deſcribed, with the Intreagues relating to his Second Mar-  
 riage detected, whether in England, Germany, France,  
 Italy, till at length it was conſummated with the young  
 Princeſs of Modena; and that by the chief Negotiator  
 of the whole Affair, I mean the late Earl of Peter-  
 borough, in a very voluminous and moſt pompous Book,  
 treating of the Genealogies of ſeveral noble and ancient  
 Families, from whence that of the Mordaunt's is derived,  
 and publiſhed by Mr. Robert Halſtead, a Work that  
 coſt a vaſt Sum of Money, and perform'd at that Noble  
 Earl's Charge; and ſo much the more rare and valuable,  
 in that there were not above Thirty of them, or there-  
 abouts, ever printed. Beſides theſe, you have the Ex-  
 pedients deſign'd to be propoſed in the Oxford Parlia-  
 ment, in lieu of the Bill of Excluſion; A remarkable  
 Addreſs from the Middle-Temple to King James, in  
 1685. as well as the Treaty of Alliance between Eng-  
 land and Holland the ſame Year. To come nearer down,  
 we have the Sentiments of the Prince and Princeſs of  
 Orange, touching the Repeal of the Penal Laws and Test  
 by Penſionary Fagel to Mr. Stewart at the King's private  
 Requeſt, with other Particulars relating to that grand  
 and momentous Affair, in 1687, &c. The Deſign once of  
 proceeding, by Virtue of the Eccleſiaſtical Commiſſion,  
 againſt the Seven Biſhops, in 1688. for refuſing to or-  
 der the King's Declaration of Indulgence to be read in  
 their reſpective Dioceſſes, occaſion'd the Biſhop of Rocheſ-  
 ter to write a Letter (herein inſerted) to the other Com-  
 miſſioners, expreſſing his Refuſal to act any further with  
 them herein: The certain Belief of the Prince of Orange's  
 Reſolution to invade England the ſame Year, put-  
 ting the Court upon new Measures, was the Cauſe of a  
 Memorial to be preſented to the States-General by the  
 Mar-

## The P R E F A C E.

Marquess of Albeville, the King's Envoy at the Hague, whereby he offered to enter into a stricter Alliance with them, which is likewise set down in its due Place and Order: The Revolution that follow'd in England, brought on a great many strange Things, already taken Notice of in the Body of the Book: The general Allarm of the Irish Cutting of Throats is mention'd; but having received a Letter lately from the County of Kent upon what happen'd there upon that Head, with divers Remarkables concerning the King himself, while he staid in those Parts, before his final going off for France: I could not omit it, without some Violence to my self, and fear of disobliging my Friend, that such a Piece of Curiosity should be still concealed from the Publick: A Pamphlet, called, The Desertion discuss'd, suppos'd to have been writ by Mr. C—r, with a great deal of Spirit and Smartness, is become so rare, and withal so adapt to the concluding Scene of this King's Reign, as well as a Letter to a Member of the Convention, by Dr. Sh—ck, that I could not conclude this Supplement without them; yet with no Reflections on them of any kind, which I leave entirely to the Judicious and Candid Reader.

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T H E



THE  
L I F E  
O F

JAMES the Second,  
Late KING of *England*, &c.

THIS Prince, the second Son of *Charles I.* K. *James's* King of *England*, and of Queen *Mary*, Birth. Daughter of *Henry IV.* of *France*; was born at *St. James's* on the 14th of *October*, this 1633. Year, being the 11th of his Father's Reign, and baptiz'd on the 22d, and his Birth-day was always celebrated accordingly on the 14th, though this Medal takes both his Birth and Baptism to be otherwise; the Words between a Chaplet of *Roses* and *Lillies* be-



LXXVIII



ing *Jacobus Dux Ebor. Nat. 15 Oct. Baptiz. 24 Nov. 1633.*  
On the Reverse you have the Arms of *England*, under  
a Ducal Coronet, with these Words, *Non sic mille Cohortes.*

Soon after his Baptism he was invested with the Ducal Robes and Coronet, and created Duke of *York* and *Albany*, with all imaginable Pomp and Solemnity. To congratulate the Nativity of this Prince, the Gentlemen of the Four Inns of Court, on the 2d of *Feb.* following, presented before his Royal Parents the King and Queen, as also the then Prince of *Wales*, his Brother, a Masque, which was so well perform'd, that it gave plenary Satisfaction to the Court in general; and on the 11th of the same Month, the Lord-Mayor and Aldermen of the City, to express their Joy upon this Occasion, entertain'd their Majesties at *Guildhall* with a sumptuous Banquet, and other Divertisements suitable thereunto: At what Time the Citizens made several Presents to the Royal Infant. But, to say no more of these Ceremonies, and proceed on with our Design, we find nothing remarkable, or worth Cognizance, concerning this Prince in his Infancy, till the Year 1642. being then in the 9th of his Age, when the *English* Nation was miserably involv'd in an unhappy Civil War, between the King and his Parliament; which we shall not expatiate upon any farther, than wherein this Prince, whose Actions are the Subject of our History, was actually concerned; and they, by reason of his Minority, must be but few, and not very momentous; however, we are to observe, that during the above-mention'd Troubles, the Duke resided mostly at *Oxford*, being committed to the Tuition of Dr. *Broughton*, Dr. *Dappa*, afterwards Bishop of *Chichester*, and Mr. *Croucher*; to which Place the King, his Father, some time after having been defeated by the Parliament's Forces in the North, retired, and left no practicable Methods unattempted, by draining of other Garrisons, and the like, to render that City as defensible as could be: But upon Intimation of the near Approach and Design of the Enemy to lay Siege to it, he, after a secret Invitation, as was supposed, from the *Scotch* Army, departed privately, in a mean Habit, accompanied with Col. *John Asburnham*, and Mr. *Hudson* as their Servant, and safely arrived at the *Scottish* Camp, where he was seemingly received with Abundance of Joy, though afterwards his unworthy Entertainers proved his Betrayers.

But to return to the Duke; we find soon after, that the City of *Oxford* was not only besieged by the Parliament's Forces, but also surrender'd upon Articles, wherein the Duke's Safety was included, who marched out, accompanied with the Marquess of *Hertford*, and the Earls of *Dorset* and *Southampton*, and was convey'd to *St. James's*, where his Brother the D. of *Gloucester*, and his Sister *Elizabeth* had remained ever since the Taking of *Exeter*. Upon his Arrival he was committed to the Care and Custody of the E. of *Northumberland*, who used him generously, as a Prince, and not as a Prisoner, allowing him all the Attendance, Liberty and Recreation that were necessary and suitable to his Birth and Quality; he was permitted, at his Request, to make a Visit to his Father, then given up by the *Scotch* to the Parliament, and kept in Custody at *Maidenhead*, in *Berkshire*, D. of *York*: whither the Duke and his Sister *Elizabeth* went, tho' not visits his without such a Guard as might secure their Return: Father.

When they came into his Presence, he embraced them with Paternal Joy, and after a long Converse with them, tho' not without abundance of Sighs and Tears, he dismissed them with his Blessing. Here the Duke being refused to stay (as he desired) with his Father, took his last Farewel of him, and saw that Crown'd Head no more.

When the Duke was return'd to *St. James's*, and found Things like to go very ill with the Royal Family, he some time after made his Escape from his Keepers, and having remained *Incognito* for a while in *England*, he at last, by the Assistance of *Col. Bramfield*, got on Ship-board, and sailed into *Holland*. Upon Notice of his arrival, his Royal Sister the Princess of *Orange* met and received him with the greatest Joy imaginable, and after some stay there, being furnished with an Equipage befitting his Quality, by his Royal Sister, he passed into *France*, whither the Queen his Mother and his Brother the Prince of *Wales*, had been forced some time before to retire, and then resided there.

When that sad Catastrophe happen'd in the bloody *Charles I.* Execution of *Charles I.* before his own Palace, upon the Beheaded 1648. both of *Jan.* this Year, and that the doleful News thereof came to the Prince of *Wales*, his Eldest Son, then at the *Hague*, the same was quickly communicated to the Queen his Mother, and the Duke of *York*, and caused an universal Lamentation amongst all the Royal Family. Soon after the Prince being proclaim'd King in most

of the Cities and Towns in *Ireland*, though it was not thought adviseable for him to go and appear personally in that Kingdom; yet he sailed for the Isle of *Fersey*, where he was proclaimed King by the Islanders, and whither the Duke of *York*, accompanied with several of the Loyal Refugees, went from *Holland* to his Assistance. They made no very long stay there, but returned both back to *Breda*, where the Treaty with the *Scotch* was begun and concluded; in pursuance of which the King set sail for *Scotland*, and being arrived at *Scone*, was there Crown'd: After which, in order to recover his Right in *England*, he marched with an Army thither, but was totally routed by *Oliver Cromwel* at *Worcester*, from whence the King himself narrowly escaped.

Charles II  
Crown'd  
in Scotland

The Royal Family  
Banished  
out of  
France.

He was not accompanied by his Brother the Duke of *York* in this Expedition, neither do we meet with any Thing considerable concerning his Royal Highness, till the War between the *French* and *Spaniards*, where he was invested with the Command of Lieutenant-General, under that famous Commander *Mareschal de Turenne*, who had such a Respect for the Duke, and good Opinion of his Conduct, that when he himself lay dangerously Ill, and was sent to by the *French* King to nominate a General fit to succeed him (in case of his Death) some Authors (tho' I confess they are not the most authentick) alledge, he recommended his Highness to the King his Master for that Post: But however, this was in reality; it seems the *French* Court thought they might do well enough without his Services; for having concluded a Treaty with *Ol. Cromwel*, who had now usurped the Government of *England*, by the Title of *Lord Protector*, it was stipulated in one of the Articles, that the Royal Family should be driven out of *France*, and the Same was perform'd accordingly; for the Duke was dismissed his Command, and likewise had Orders to leave *France*; from whence the King his Brother, to prevent a complemental Expulsion, had retired some time before, and fixed his Residence at the *Spaw*: However, the Duke had a flattering Apology made him (according to the *French* Mode) for the Necessity of his Departure; being the only Requital now made him for the Services he had done that Kingdom: But during the Time allowed him for his stay, after Notice, he visited the Duke of *Modena*, then in *France*, and other great Persons, who seem'd very sorry for his Departure

espe



especially the Mareschal *de Turenne*; and then, having taken Leave of his Mother and the *French* King, he set out at the Day appointed for *Flanders*, accompanied with the Earl of *Yarmouth*, and several other Lords. Being arrived at *Bruges*, where the King his Brother was, and invited thither by *Don John* of *Austria*, Governour of the *Low-Countries*, upon the Rupture of the Peace between the King of *Spain* and the Protector *Oliver*; the Duke meeting with a kind Reception from the *Spanish* Nobility in those Parts, voluntarily offered his Service in the Wars, which was gratefully accepted, tho' at first he had not such an honourable Command as before in the *French* Army.

Now the Protector, according to the Articles of the late Treaty with *France*, sent over 6000 *English*, who joining with the *French* Army, by speedy Marches entered *Flanders*, and, after the Ransacking of some Places of small Note, sat down before *Dunkirk*, the Key and Inlet of the *Netherlands*. The *Spanish* General being alarm'd with the News, resolv'd to attempt raising of the Siege, tho' at the Hazard of a Battle, and, in order thereunto, march'd, in company with the Duke of *York*, at the Head of an Army consisting of 15000 Men, among whom were many exiled *English*, and advanced with so much Expedition and Celerity, that they arriv'd much sooner than was expected, within a Mile and half of *Turenne's* Camp, where they encamp'd upon the Sand-hills, with a Resolution to fall upon him with all convenient speed, but their Design was prevented; for the *French* and *English* Generals drew out of their Camp, leaving a sufficient Body of *French* to maintain the Siege, with a Resolution to give the first Onset; upon which *Don John* the *Spanish* General, called a Council of War, and having agreed to fight, he immediately fell to the Regulating of his Forces, part of which he left to the Management of the Duke of *York*, and drew them up in order of Battle. This was no sooner done, but 300 brave and resolute *English*, under the Command of Captain *Devaux*, and seconded by General *Lockart's* own Regiment, mounted the Sand-hills, and with invincible Courage bore all down before them; upon which the Duke of *York* seeing the *Spaniards* give way, advanced with his own Regiment and other Troops, and charged the *English* with great Fury, tho' not with much Success; for the victorious *English* put all before them either

Battle of  
Dunkirk.



ther to flight or the Sword; while the *French*, consisting mostly of Horse, during all this hot Engagement, fired not a Piece, till they saw the *Spanish* Infantry was totally routed by the *English*, who were now about to charge the Horse with Valour not inferior to what they had shewed in the Defeat of the Foot. At last the *Marſchal de Turenne*, to gain all the Reputation he could for his Country-men in this Action, perswaded the *French* Horse with some Difficulty, to engage the *Spanish* Cavalry, which were soon put to the Rout, tho' the Duke used all the Means he could to rally them again; but his Endeavours proved ineffectual; for the *Spaniards* retreated in great Disorder towards *Furnes*, leaving a 1000 Men and upwards slain upon the Spot, and 1500 taken Prisoners, whereof 800 were Officers; which made the *French* General refuse the Sum proposed for their Ransom. The Plunder of the Field fell to the Share of the *French*, the *English* being to have *Dunkirk* for their Share, upon the Taking of it; wherefore they attacked it with all imaginable Vigour and Bravery, and the same was surrendred to them *June 25.* upon Articles, which we need not recite in this Place.

*Dunkirk*  
surrender'd,  
1658.

In the mean time, his Royal Highness continued in the *Spanish* Service, as before, and not negligent in recruiting their broken and disperſed Forces, in order to recover the lost Glory of the Field; but before the new Levies were compleat, he received the welcome News of the Protector's Death, who expired this Year on the 3d of *Sept.* a Day whereon he had twice signaliz'd himself eminently, in the Battles of *Dunbar* and *Worcester*, some Years before; however, his Royal Highness continued still assiduous in the Discharge of the great Trust reposed in him by the *Spaniards*, who being now ready to try a second Engagement with the victorious Enemy, a Treaty was proposed and set on Foot between the Two Nations, at the earnest Sollicitation of *K. Charles II.* as hoping to receive some Assistance from both (in case of an Accommodation) to restore him to his rightful Throne: However, the Treaty spun out to some Length before it came to a Conclusion, which yet did not answer that Prince's Expectation, Providence ordering his Restoration should proceed not from Force of Arms, but with the Garlands of Peace: For General *Munk* having turn'd the *Rump Parliament* out, and got a free one chosen, they unanimously came to a Resolve to invite his Majesty

to

to return to the Possession of his Kingdoms, which he did accordingly; for imbarcking in *Holland*, on the 23<sup>d</sup> of *May*, accompany'd with his Brothers the Dukes of *York* and *Gloucester*, he landed on the 25<sup>th</sup> at *Dover*, and on the 29<sup>th</sup> arrived at his Royal Palace at *Whitehall*, to the mutual Satisfaction both of himself and his People.

All Things began now to be regulated according to the Mode of Kingly Government, which had been quite out of Doors for about 12 Years; and besides what the Parliament did in respect to the settling of his Majesty's Revenue and otherwise, they forgot not to make a Present to the Duke of *York* of 10000*l.* Soon after which the Convention assembled in *Ireland*, who when they had settled some weighty Affairs of that Kingdom, sent also his Royal Highness 4000*l.* as a Testimony of the great Esteem they had for him; but the Death of the D. of *Gloucester*, that happen'd on the 13<sup>th</sup> of *Sept.* in the 21<sup>st</sup> Year of his Age, was very affecting to his Highness, and caused an universal Lamentation at Court, he being a Prince endow'd with excellent Qualifications, both in Body and Mind, to the Ornament of the Royal Offspring: He died of the Small-Pox, as did soon after his Royal Sister, *Mary*, Princess of *Orange*, the Mirrour of her Sex, of the same Distemper, leaving an only Son behind her of about 10 Years old, who was the late K. of *England*. It's remarkable, that *Ann Hyde*, Daughter to the E. of *Clarendon*, then Lord High Chancellor of *England*, having been married to his Royal Highness, during his Exile, and being now not only publicly own'd for Dutchess of *York*, but as such declared by an Order of Council, to have Precedency of the Princess of *Orange*, and Queen of *Bohemia*, both of them then in *England*; those Two Princesses survived the said Order but a little while, and some supposed their Resentment of it might contribute to their Deaths; but however this were, the Duke seem'd to be no less affected with the Decease of his Sister, than that of his Brother, and was the chief Mourner at her Funeral Obsequies. Upon these fatal Stroaks happening on the Neck of one another, the Queen Mother, fearing the like might happen to her self and the Princess *Henrietta*, was inclined to return into *France*, whereupon his Majesty and his Royal Highness accompanied her to *Dover*, from whence she sail'd over for *Calais*, where we'll leave her, and take Notice, that the Fifth Monarchy-Men, thinking the Op-

Princess  
of *Orange*  
dies.

portunity seasonable, made an Insurrection in the City of *London*, and kill'd several of the Citizens, being headed by one *Venner*, a Wine-Cooper, and declar'd for King *JESUS*. To quell whom, the Duke appear'd very active, and headed the Life-Guards, who being assisted by the Train'd-Bands, soon suppress'd them, by killing some, and taking others Prisoners, most of which were executed.

1661.

On the 23d of *April* this Year, the Coronation of K. *Charles II.* was perform'd with all the Magnificence imaginable, and the Duke bore his Part at the Solemnity, and was constituted a Member of the Privy-Council, wherein he acted mostly as Chief, till such time as he was laid aside, as you'll hear in its proper Place.

Duke has  
a Son born

I shall but just mention, that his Royal Highness about this Time was chosen Captain of the Artillery Company of *London*, which he was pleased to accept of, and proceed to observe, that in *June*, 1667. his Dutcheß bore him a Son, who was baptized on the 22d of the same Month, after his Father's Name, by the Bishop of *London*, the elect Archbishop of *Canterbury*, the King and Lord Chancellor *Clarendon* being God-fathers, and the Queen-Mother was God-mother; the State was born by the Earls of *St. Albans* and *Sandwich*, and the Infant held by the Dutcheß of *Buckingham*; and on the 17th of *July* following, the Profits of the Post-Office and Wine-Licences were settled by Act of Parliament on the Duke and his Heirs.

Cause of  
the Dutch  
War.

About this time the *Algerines* being at War with the *English* and *Dutch*, the latter, by their Ambassador, desired K. *Charles* to join a Squadron of Ships with them, in order to reduce those Rovers to better Terms; with which the King complied, and set out a Squadron under the Command of the valiant Sir *John Lawson* for that Purpose: The *Dutch* sent theirs also, under the famous *de Ruiter*, seemingly to join Sir *John*, but *de Ruiter* at the *Streights Mouth* left the *English*, and sail'd away to *Cape Verde*, where he arrived about the latter End of *December*, with 13 Sail, made a Seizure of all he found there, and disposseß'd the *English* of their Factories; from thence he sail'd to the Isle of *Gogee*, where the Governour and the Men, finding they were deserted by the Islanders, were obliged to make Conditions to be transported to *Gambia*; but having afterwards made an Attempt upon *Barbadoes*, he was beat off from thence with Loss. This Double-dealing of the States alarm'd



City alarm'd the Parliament so much, that they address'd the King to make War upon the *Dutch*; neither was the City of *London* less forward herein, the People very readily furnishing the King with several Sums of Money; for which the Parliament next Year gave the City Thanks.

For this Reason, together with the *Dutch's* engrossing our Fishery, even to our Shore, and their Denial of any Satisfaction, upon Complaint made by our Ambassador at the *Hague*; Prince *Rupert* was sent out with 16 Sail of Ships, to cruise upon the Coast, and in the Beginning of Nov. his Royal Highness the D. of *York*, whose Actions we are more particularly to recite, was constituted Lord High-Admiral of *England*, and soon after set out Duke of *Portsmouth*, in order to take that Charge upon him: *York* made Soon after his Arrival he went on Board, and joined the Admiral. Rest of the Ships, who by this Time were in a Readiness, with those under the Command of Prince *Rupert*, Admiral of the White, and *Sandwich* of the Blue: But the *Dutch* Admiral lay with his Fleet in the *Goree*, and could not come out (as they said) because of the contrary Winds; wherefore his Royal Highness finding the Season far advanced, and the Beginning of *Dec.* come, and that the *Dutch* did not design to stir out that Winter, he thought good to lay up the great Ships, and leaving the E. of *Sandwich* with a Squadron to keep the Seas, he, with all his Retinue, on the 7th of the said Month, arriv'd safely at *Whitehall*. Soon after this, the *Royal Catherine* and the *Royal Oak* were launched, and the *London*, by an unhappy Accident, happening to blow up, the Citizens made it their Request to the King, that they might be permitted, at their own proper Charge, to build another of the same Name, which was granted them, and the same had the Epithet of *Loyal* added thereunto.

All Things now seem'd to tend towards a Rupture, an Embargo was laid upon the *Dutch* Ships in the Ports of *England*, which was carried on so privately, that the *English* in their Ports had Notice from Sir *George Downing*, of the Seizure of their Vessels; so that most of the *English* made their Escape home.

Now the 22d of *February* being come, open War was The War proclaim'd against the *Dutch*, and the King's Ships were proclaim- empower'd to fight and destroy those belonging to the ed. *Dutch*, where-ever they should meet them, and at the 1665, same time all *Dutch* Manufactures were prohibited, and

at



at the latter End of *March*, the Fleet being ready, their Admiral, the D. of *York*, went on Board his own Ship, and upon the Signal given, the whole Fleet weigh'd Anchor, stood off to Sea, and resolv'd, since the *Dutch* Fleet did not appear, to bear for their Coast, visit them in their Harbours, and fight them, if Opportunity offer'd: Accordingly he made for the *Texel*, with 114 Sail, within Five Leagues of which Place he came to an Anchor, while some of the Fleet ventured within Two Leagues of the Shore: In the mean time, 13 of the *Dutch* Ships, richly laden, were taken by some of our Men of War, sent out of the Grand-Fleet by the Duke for that Purpose. Now the *English* Fleet being augmented by the Addition of Six Ships, to 120 Sail, and there being no Hopes of the *Dutch* Admirals coming out, his Royal Highness commanded to weigh Anchor, and stand off to Sea; after whose Departure the *Dutch* quickly put out, and seized upon several of the *Hamborough* Fleet, who not observing the Time of their coming out, missed of the Convoy that was sent to meet them.

Thus Things stood till the 3d of *June*, when the Duke had Notice by a Frigate that was sent out upon the Scout that the whole *Dutch* Fleet was plying to the South West; whereupon a Council of War was called, wherein it was resolv'd to engage them, if possible, with the first Conveniency; accordingly the whole Fleet sail'd and in about an Hour's time came in sight of the Enemy who prepared for the Engagement, and bore down upon the Red Squadron, so that there began a sharp Dispute between them; his Royal Highness the Admiral was very briskly charged by the Enemy, who had so warm a Reception, that the *Zealand*, a *Dutch* Ship of 64 Guns, coming up to charge the *Royal Charles*, wherein his Highness was in Person, was sunk by him, and others sustain'd great Damage; but such was the Chance of War, that the Earl of *Falmouth*, Lord *Muskery*, and Mr. *Boyle*, all Three fell at one Cannon-shot, near the Duke himself; at which the Fight was renewed with double the Fury; several of the Enemies great Ships coming up and endeavouring to grapple with the *Royal Charles* were much shatter'd by her Cannon, when in the Heat of the Engagement *Obdam's* Ship, the *Dutch* Admiral, that carried 84 Guns, and 500 Men, was blown up, by a Shot which happen'd to fall into her Powder Room, whereby the Admiral himself, and all that were therein perished.

*Dutch*  
Admiral  
blown up,

Th

Thus the Fight continuing hot on all Sides, for the Space of Two Hours, several of the Enemies Fireships endeavour'd to grapple with our Admiral, but were either cut off or sunk; and in the Hurly-burly, a stout Dutch Vessel of 67 Guns came up Board by Board with her, but she was so miserably handled by her Cannon, that she fell off, and was suddenly boarded by Capt. Smith in the *Mary*, who took her Captain, but she being extremely shatter'd with the Shot she had receiv'd from the Admiral, and others that seconded him, sunk; the like bad Success the Dutch found in the Rear. So that Dutch now perceiving all Things went from bad to worse, beaten by after Six Hours Engagement, they endeavour'd to clear themselves, as having their Bellies full; but they could not effect it so well, than that several of their Ships were burnt and sunk, and fired in their retreating; tho' at last the Night approaching, put a Stop to the Pursuit. The Dutch in this Fight suffered considerable Loss; for besides that of their Admiral, *Cortiners*, *Stillingwolf*, and *Stamp*, Three Flag-Officers, were killed, 8 of their Ships sunk and taken, and about 2063 made Prisoners, of which 13 were Commanders; and for their Slain, they were adjudged to be Four to One English; and all this only with the Loss of One inconsiderable Ship, named the *Charity*, that had been formerly taken from the Dutch as a Prize: The Slain on the English Side (besides those before-named) of Note, were the Earls of *Portland*, and *Marlborough*, the last, tho' Admiral in the Reign of *Charles I.* yet died here a private Captain, Admiral *Sanfon* was also killed, and the brave Vice-Admiral *Lawson* was mortally wounded, and died not long after.

In Memory of this glorious Action, there was the following Medal struck.

Of the Duke's Effigies in Bust, clad in a Roman Mantle, with these Words round it:

*Jacobus Dux Ebor. & Alban. Domn. Magn. Admiralus Angliæ, &c.*

The



LXXIX



The Reverse represents the Admiral and whole Fleet  
in Conflict, with these Words: *Nec Minor in Terris*,  
3 June, 1665.

Upon



# JAMES II.

13

Upon the same Action we have this other no less glorious Medalion, with the Duke in Bust, short Hair, &c. The Inscription thus: *Jacobus Dux Ebor. & Alban. Frater Augustiss. Caroli II. Regis.*



XXXI



Fleet  
Terra  
Upon

The



The Reverse is a Trophy and Ships in Fight, with these Words, *Genus Antiquum*.

But to return to the Consequences of this famous Naval Fight and Victory; the *Dutch* were so shatter'd, that there was no Fear of their stirring abroad this Year, and therefore his Royal Highness leaving the Fleet under the Command of the renown'd Earl of *Sandwich* (who perform'd Wonders in the Fight) after he had given all necessary Orders for the Management of it, return'd to *Whitehall*, where he was joyfully received by the King and Court.

Here we might pursue the Paces of this Naval War to the final Conclusion of it at *Breda*, on the 9th of *July*, 1667. but his Highness going no more to Sea, during the Course thereof, we shall no farther meddle therewith; wherefore meeting with nothing very material, in relation to his Person, Actions or Family, till the Year 1670. we are then to observe, that about the Beginning of *April* the Dutchess of *Orleans* arrived at *Dover*, to visit her Two Brothers, the King and the Duke of *York*, and was supposed to have been an Instrument with them both, to contribute towards the Dissolution of the Triple League, between *England*, *Holland* and *Sweden*; however, she did not survive to see the dreadful Effects of it, for she died soon after her Return into *France*, and her Exit was as obscure, as the Design she came for into *England* then remain'd. And as this Year had proved fatal to the Princess Royal, the Beginning of the next did so too to his Royal Highness's Consort, Ann, Dutchess of *York*, who was interr'd with great Solemnity in *K. Henry VII's Chappel*, most of the Nobility and Persons of Quality attending at her Funeral Obsequies. She was a Lady of great Vertue in the main; it was her Misfortune, rather than any Crime, that she had an extraordinary Stomach, but much more that some time before her Death she should be deluded to forsake the true Religion, wherein she had been educated, and embrace the gross Superstitions of the Papacy, wherein the Duke, tho' he had not yet declared himself openly, was supposed to have had no small Influence; and it had been well for him and the Nation too, he had proceeded no farther.

But not to anticipate so ungrateful a Subject, the Dissolution of the Triple League brought *France* and *England* to conspire the Destruction of the *Dutch*; I will not say

by his Royal Highness was the main Agent therein,  
 but undoubtedly they had his hearty Participation and  
 Concurrence: But let who will be engaged, the Breach  
 with the States was begun in our falling upon their  
*Myrna* Fleet without any Provocation, or previous De-  
 claration of War, which all just Princes ought to make;  
 but tho' the *French*, how base soever their Pretensions  
 were, thro' at first mightily at Land against that dis-  
 tressed People, it proved otherwise with us by Sea in  
 this War, which, as the Grounds of it were nothing so  
 just as the former, it met with Events suitable there-  
 unto, and his Royal Highness was to bear his Share in  
 as Lord High-Admiral: Wherefore the *English* Second  
Dutch  
War.  
1672.  
 Fleet having put out to Sea, under his Command, were  
 joined by the *French*, who allow'd the *English* the Post  
 of Honour, which was the Red Flag, they contenting  
 themselves with the White, and on the 28th of *June*  
 rode at Anchor in *Sould-Bay*, the Wind being at N. E.  
 at which Time the Flag-Officers spent the Day in  
 feasting, Drinking, and other Jollities, as, in Imitation  
 of them, the other Captains went on Shore to *Alborough*,  
*Swanwich* and *Sould*, to sacrifice, as the rest did, to *Ceres*  
 and *Bacchus*; but the E. of *Sandwich*, in the midst of all  
 their Jollities, being not unmindful of the Danger they  
 were in, inform'd the Admiral, that as the Wind stood  
 the Fleet rode in Danger of being surprized by the Ene-  
 my, and therefore he thought it adviseable to weigh  
 anchor, and get out to Sea; but the Duke was so far  
 from taking Notice of it, that he seem'd on the con-  
 trary to reflect upon the Earl, as if what he had offer'd  
 had proceeded out of Fear; however this was in Realiti-  
 ty, it was a fatal Mistake in their not getting out to Sea  
 as soon as possible; for about Two in the Morning of  
 the 29th of *June*, when the Scout-Ships gave Notice,  
 that the *Dutch* Fleet was approaching, both the *English*  
 and *French* were much surpriz'd, as well they might, for  
 they had not Time to weigh their Anchors, and there-  
 fore they were necessitated to cut their Cables, to avoid  
 being burnt by the Enemies Fire-Ships, and sent their  
 Long-Boats ashore to fetch their Officers, who had  
 Time, as it happen'd, by a Calm that fell, which con-  
 tinued from Four in the Morning till Six, to get to their  
 respective Ships, tho' not to draw themselves up into  
 line of Battle; so that at last they came to this Order,  
 that the *French* lay Southward in the Bay, the Duke's  
 Squa-

1672.

Sould Bay  
Fight.Earl of  
Sandwich  
lost.

Squadron in the middle, and the Earl of *Sandwich* to the North of him, who had the least Sea-room to fight, as the *French* had the most.

Now the Wind being S. E. the *Dutch* came up and engaged the Fleets with great Bravery; the *French* at first shot furiously, but their Shot generally came short, for the *Dutch* did not close in with them, but with great Courage fell upon the Duke's Squadron, and yet more furiously upon the Blue, where they having Three to One, galled the *English* very much: Thus the Fight held till about Eleven, when the *French* by this Time might have weather'd the *Dutch*, and disengaged the *English*, but did not: Now the Wind coming to the N. E. *Vaugent*, a *Dutch* Admiral, with several Men of War, whereof one lay cross his Haufier, sorely distressed my Lord of *Sandwich*; when Sir *Joseph Fordan*, Vice-Admiral of the Blue, who might have disengaged the Earl, sail'd up to the Red to the Duke's Assistance; so that here the Noble Earl, with his brave Ship the *Royal James*, that had 1000 Men on Board, of which 600 were slain upon the Deck, drew near their End, for the Ship at last being set on Fire, so that there was no Possibility of quenching it, the Earl retired to his Cabin, whither he was follow'd by Sir *Richard Haddock*, still living; who, as I have been informed, was then Captain under him, and there finding him with his Handkerchief before his Eyes, told him the Danger, and advised him to put out the Boat, and save himself in Time, but he disdain'd that, answering, *He saw how Things went, and was resolved to perish with the Ship*, which he did accordingly, with a great many Volunteer young Gentlemen, who deserved a better Fate. In the mean time, the *English*, towards Two in the Afternoon, got the Weather-Gage of the Enemy, and then the Fight ended. The Persons of Note lost and kill'd in this Engagement, besides the Noble Earl of *Sandwich*, were, Capt. *Digby*, in the *Henry*; Sir *John Cox*, in the *Prince*; and Sir *Frescheville Hollis*, and M. de la *Rabinire*, a *French* Rear-Admiral; while the *Dutch*, on their part, lost Admiral *Van Gent* and Capt. *Barkshel*; besides Two of their Fire-Ships sunk, one by the E. of *Sandwich*, and the other by Sir *Edw. Sprag*; one taken and one burnt.

Next Morning after this bloody Fight, the Two Fleets were like to engage again; the Duke hoisting up the bloody Flag, and bearing towards them, when on



to sudden there fell such a Mist, that none could see a  
 ht, ship's Length, and at the same time the Wind rising,  
 and made the Sea grow high, then the *Dutch* making the  
 at lost of their Way to their own Coast, the *English* stood  
 ort, after them, till the Duke, finding himself near the  
 eat, Easter-banks, tack'd about and stood away Four  
 ore all Night, but about Ten next Morning, having no  
 e to hopes of seeing the Enemy, he stood away, and return-  
 ight with the Fleet into our own Harbours; where, by  
 me reason of the far Advance of the Season, part of them  
 the were laid up, while his Royal Highness return'd to  
 the Court, where he safely arrived, and had Leizure to  
 of think of another Wife.

There were several Proposals made to him, and one  
 towards a Match between him and the Dutcheß of In-  
 lan, a great Fortune, but the Emperor happening to be-  
 come a Widower in the *Interim*, he put in for her him-  
 self, and carried her: Wherefore his R. Highness being  
 obliged to cast his Eye another Way, at last pitched  
 upon *Mary d'Este*, Sister to *Francis*, then Duke of *Mode-*  
*na* and Daughter of *Alphonso d'Este*, of that Name, Duke  
 of *Modena*, by *Laura Manessi*. There was no great Dif-  
 ficulty in making up the Match, especially upon the  
 Duke's side, who must be allow'd to be much inferior  
 Quality to his Highness; and therefore she was a-  
 dopted a Daughter of *France*; and some time after, be-  
 attended with a handsome Train of Nobility, both *Duke of*  
*English* and *Italian*, she took Shipping for *England*, and *Duke of*  
 landed at *Dover* about the latter End of *Nov.* this Year, *York* mar-  
 ried. 1673.  
 ere his Royal Highness met her with a great Re-  
 ce, and after many Expressions of his Princely Af-  
 fections, they went for *Gravesend*, and from thence by  
 water for *London*, being met by the King himself, and  
 others of the Nobility, upon the River in Barges, and  
 conducted to *Whitehall*; soon after which the Nup-  
 tials were celebrated. Then they were conducted to  
*James's*, where, within a few Days, their Royal  
 Highnesses gave Audience to the *French*, *Swedish* and  
*Dutch* Ambassadors, as likewise to the Residents of  
*Spain* and *Neuburg*, who all went to complement and  
 congratulate them upon their Marriage: This done,  
 their Royal Highnesses took a Progress, and view'd se-  
 veral Places famous for Beauty; and thus passed over  
 the Year, wherein a second Peace was made with the  
 Dutch,

1673. *Dutch*; but of this by the Way: Wherefore we are to take Notice before we go any farther, that there was a Medal coined upon this Espousal of his Highness (tho we meet with none of his first) which must not be omitted: Its true, it bears Date Seven Years after, however, it is not improperly mentioned here: It's the Duke's Effigies, &c. with these Words;

*Jacobus Dux Eboracensis.*

The Reverse is — her Head circumscrib'd,

*Maria Ducissa Eboracensis, 1680.*



IXXXI



Before we proceed any further, Notice must be taken, that the History of the Duke's Courting divers Princesses, and of his second Marriage at last, being related very briefly and imperfectly in this Place, we must refer the Reader to a full and particular Account of in the \* *Supplement*, taken from the very scarce, but Authentick Authority, of the Noble Lord that negotiated the whole; I mean, the late Earl of *Peterborough*, where there are sundry Intreagues of State, and other matters, worthy the Knowledge and Observation of the Curious.

About the Beginning of this Year her Royal Highness was safely delivered of a Princess, who was baptiz'd at St. *James's* by the Bishop of *Durham*, and nam'd Duke's *Catharina Laura*, the Duke of *Monmouth* standing God-father, and the Ladies *Mary* and *Ann*, the Duke's Two daughters by his first Wife, were God-mothers. 1674.

We find nothing remarkable, and particularly relating to his Royal Highness, in the Two succeeding years, till the 9th of *October* in this; at what Time *William*, Prince of *Orange* (having made some Overtures before in order to a Match between himself and the Lady *Mary*, the Duke's eldest Daughter) landed at *Wich*, and pass'd from thence to *New-Market*, where the Court then was: He met with a kind Reception, both from the King and the Duke; but the Prince was not willing to enter upon any Measures about Foreign Affairs, till he had seen the young Princess, which was the principal Cause of his coming over; hereupon the King complaisantly enough, to gratifie his Humour, let *New-Market* some Days sooner than he intended, and came to *London*, where the Prince was admitted to the Sight of the Lady, who at first View extreamly pleas'd him, and finding all Signs of good Humour in her, answerable to the Description he had had of her. Sir *William Temple* and others, he immediately made his Suit to the King and Duke, which was well received and assented to, but upon Condition, that the Peace, which was then in Agitation at *Nimeguen* between the Confederates and *French*, should be first agreed to. To which the Prince replied, *He must end*



1677.

*his first Business before the other*; but the King and Duke stood firm to their first Propositions; the Unreasonableness whereof the Prince endeavour'd to demonstrate by alledging, *the Confederates would be apt to believe, he had made that Match at their Cost*; and protested, *that for his part he would never sell his Honour for a Wife*. Notwithstanding this, the King and Duke stood firm to what they insisted upon, till at last Sir William Temple happening to go to the Prince one Evening after Supper, he found him in a very ill Humour, but after some Complements and promiscuous Discourses had passed (of which the Prince was very sparing) he said He resolved to stay but Two Days longer in England, and that it repented him he had set a Foot upon English Ground, after the King resolved to insist upon the Terms of the Peace before the Match, upon which depended either the greatest Amity, or greatest Enmity between them for the future. This said, the Prince desired Sir William to acquaint the King therewith next Morning, and to give him an Account of what he should answer thereupon. Sir William acquainted the King accordingly, and farther told him of the ill Consequences which might arise from a Breach between them, considering how ill the late Measures with France were digested by many of his Subjects, and the Respect they had for the Prince. When Sir William had done, the King said, *Well, I was never deceived in judging of a Man's Honesty by his Looks, and if I am mistaken in the Prince, he is a very honest Man; he shall have his Wife; go and tell my Brother so*. Sir William having gone accordingly; the Duke at first was surpris'd but made no Hesitation to obey his Majesty's Commands, and wish'd *that all the King's Subjects were as obedient as he was*.

After this, Sir William went to the Prince, and having acquainted him with what had passed between the King, Duke and himself; the Prince in the Beginning seem'd to doubt of the Matter, but soon after embraced Sir William, and told him, *He had made him a happy Man*. The Match was declared at the Committee that Evening, before any other at Court knew anything of the Matter, and within Two or Three Days after, the Nuptials were celebrated, to the great Joy and general Satisfaction of all Persons well affected, more particularly to the Protestant Interest. Mu

Lady M.  
ry mar-  
ried.

ab

about the same time the Dutchess of York was brought  
 Bed of a young Prince, who as soon as born was en-  
 titled Duke of Cambridge, but he did not long sur-  
 vive; and therefore, to return to the Prince and Prin-  
 cess, in the Month of *December*, when they had taken  
 leave of their Majesties and their Royal Highnesses,  
 they embark'd for *Holland*, where we leave them, and  
 the Remainder of this Year to run out, and proceed to  
 the next, wherein we find the Popish-Plot detected,  
 and confirm'd by divers Witnesses to be a Design a-  
 gainst the Life and Person of the King, Protestant  
 Religion and Establish'd Government, carried on by  
 the Jesuits, and others in the Popish Interest: It would  
 be hard to say there was nothing in all the Contrivance,  
 but that however it were, it look'd as if nothing had been  
 contriv'd, managed and digested, with any just Pro-  
 spect of bringing their Ends to bear. I remember  
 there were strange Things flew about in those Times;  
 it was in every Body's Mouth, that the Duke was at  
 the Bottom of it, nay, Queen *Catherine* must have a  
 hand in the Murder of her Husband (so furious  
 would some have the Zeal of the Papal Spirit at this  
 Time) however, thus much I am necessitated to say,  
 that the criminal Correspondence maintain'd by *Cole-*  
*man*, his Dutchess Secretary, with the *French* Court,  
 had no small Influence on his Highness's future Trials  
 and Misfortunes.

1677.

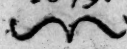
1678.

The King having dissolved his long Parliament on  
 the 25th of *Jan.* this Year, and the same Day issued out  
 Writs for a new one, to meet at *Westminster* on the 6th  
 of *March* following; the Houses sat accordingly, when  
 the Commons began to examine into the Popish Plot,  
 with the dangerous Consequences that might happen  
 by Reference to the Duke of York's Succession to the  
 Crown, he being a Papist (as indeed by this Time e-  
 very body reputed him to be, notwithstanding his so  
 many Years Conformity to the Rights of the Church  
 of *England*) and therefore they made an Address to the  
 King that the Duke would withdraw from his Person  
 and Presence; in Compliance with which, the King, by  
 the following Letter, commanded him to go for *Holland*.

1679.

[ Have already given you my Resolve at large, why  
 I think it fit that you absent your self for some time  
 beyond the Seas; as I am truly sorry for the Occasion,

King  
*Charles's*  
 Letter to  
 the Duke.

1679.  so may you be sure, I shall never desire it longer than  
 ' it shall be absolutely necessary for your Good, and my  
 ' Service. In the mean time, I think it proper to give  
 ' it you under my Hand, that I expect this Compli-  
 ' ance from you, and desire it may be as soon as con-  
 ' veniently you can. You may easily perceive with  
 ' what Trouble I write this to you, there being no  
 ' thing I am more sensible of, than the Kindness you  
 ' have ever had for me. I hope you are as just to me, to  
 ' be assured, that no Absence, nor any thing else, can  
 ' ever change me from being truly and kindly,

*Yours,*

CHARLES R.

Duke  
 goes for  
 Holland.

His Highness, in Obedience to his Majesty, on the  
 25th of Sept. went, with his Dutches and Family, in  
 his Barge down to *Woolwich*, and there embark'd on the  
*Mary Yacht*, in order to his Passage over for the *Hague*  
 where in Four Days he safely arriv'd, and was comple-  
 mented by his then Highness the Prince of *Orange*, late  
 King of *England*; from thence he journey'd for *Brussels*  
 and was likewise honourably received by the Gover-  
 nour of the *Netherlands*: In the mean time, the King  
 his Brother made choice of a new Council, which con-  
 sisted of many worthy Members, and the President was  
 that shrewd Statesman, and no Friend to his Highness  
*Anthony*, Earl of *Shaftsbury*; and the Commons in Par-  
 liament made the following Vote, *Nemine Contradicente*  
*That the Duke of York being a Papist, the Hopes of his*  
*coming as such to the Crown had given the greatest Coun-*  
*tenance and Encouragement to the then Conspirators, and the*  
*Designs of the Papists against the King and the Protestant*  
*Religion.* The King, who did not very well reli-  
 any Proceedings that tended to the Disreputation of his  
 Brother, and at the same time finding his Parliamen-  
 very slow in raising him Money, Prorogued them on  
 the 27th of *May*, to the 14th of *August*; and upon the  
 12th of *July* Dissolved them: His Majesty some time  
 after falling ill at *Windsor*, the Duke of *Monmouth*  
 doubled the Guards, and appear'd very forward in the  
 Management of all Things to his own Advantage in  
 that Conjunction; but his Royal Highness was  
 sooner informed of his Brother's Indisposition, than



that he hasten'd for *England*; the Consequence whereof 1679.  
 was the Disgrace of *Monmouth*, and his Exile into Hol-  
 land, where he made no long Stay neither.

In Nov. following his Majesty sent his Royal High-  
 nesses into *Scotland*: but now that we have mentioned  
 this Country, it will not be amiss in this Place to look  
 a little back to the Insurrection made there, because  
 it was at least partly in Appearance the Cause of his be-  
 ing sent thither, for the better Settlement of that King-  
 dom, and the Prevention of the like for the future.

Upon the 3d of May this Year, Dr. Sharp, Archbishop Rebellion  
 of *St. Andrews*, was assaulted and most barbarously mur- in *Scotland*  
 der'd by *John Balfour*, *David Hackston*, *George Balfour*,  
*James Russel*, *Robert Dingwall*, *Andrew Guiland*, *Alexander*  
*Henderson*, *Andrew Henderson* and *George Flemming*: That

which induced them to this Barbarity was, that the  
 Doctor, before the King's Restoration, was a great Zea-  
 lot for the Presbyterian Government, but having since  
 complied with Episcopacy, nothing would satisfy their  
 Resentment, but the Murthering of him; however,  
 this was but a Prelude to what follow'd; for on the  
 9th, about 80 of the Covenanters rendezvouzing at  
*Langland*, burnt divers Acts of Parliament made against  
 them, and for the Establishment of Prelacy, since the  
 Year 1660. and having on the 3d of June drawn toge-  
 ther 1500 Men, on *Loudon-Hills*, under the Command  
 of *Wyer*, and *Robert Hamilton*, they marched and took  
*Glasgow*, where they put forth their Proclamations, and  
 committed such rude Actions as did not at all suit with  
 the Sanctity they pretended to and stood up for.

In the mean while, the Council were not idle, but  
 raised what Force they could, and the King having In-  
 formation, dispatched the Duke of *Monmouth* into *Scot-*  
*land*, to command the Forces against them, and he made  
 so much Haste thither, that on the 23d of June he had  
 his Army drawn up near *Bothwell-Bridge*, to give them  
 Battle; they made some fruitless Overtures to him of  
 Submission, but at last, having sent them Word he  
 would receive no more Messages from them, he imme-  
 diately fell on, soon defeated and totally routed them;  
 so that all Things were quickly reduced to some State  
 of Tranquility in that Kingdom; and so his Royal  
 Highness found it when he arrived there, as aforesaid. Duke  
 He got as far as *Berwick* by the 20th of Nov. set forward goes to  
 the next Day from thence, and was on the Borders of the *Scotland*.

1679. Two Kingdoms, received by the King's Troop of Guards, commanded by the then Lord Marquess of Montross, and at some Distance further, the Lord Chancellor, with a great many other Lords of the Privy-Council, accompanied with a great Train of Nobility and Gentry, met and welcomed him into that Kingdom. At the Meeting of this Train, the Duke alighted out of his Coach, and stood uncovered till they had all kissed his Hand, and then he and his Dutcheſs, attended with the ſaid Company, continued their Journey to the Duke of Lauderdale's Houſe, at Leithington, where they were ſplendidly entertain'd, and from thence ſome time after they made their Entry into Edinburgh, with a great deal of Pomp and Solemnity: The Scotch Privy-Council ſeem'd very well pleaſed with the Duke's Appearance among them, as appears by a Letter of theirs to the King, dated December the 11th, which is as follows:

May it pleaſe your Majeſty,  
 Scotch Council's Letter to K. Charles. 'A Midſt thoſe Confuſions we have felt amongſt ourſelves, and heard of amongſt your Majeſty's other Subjects, nothing could have rejoiced us ſo much, in your neceſſary Abſence, as the Happineſs of having your Royal Brother amongſt us, who have not for many Years ſeen any of the Royal Family amongſt us in this your ancient Kingdom, and as he will certainly be a Pattern of our Loyalty to imitate, ſo he will, we hope, be a Witneſs of our Sincerity, in our Submiſſion to all your Commands, and Adherence to all your juſt Rights, being no leſs our Intereſt than our Duty, no Scotch Man being an Enemy to his Monarch, till he be one firſt to his Country and himſelf. nor can we fear, that (under the Influence of one of our 109 Kings) any conſiderable Number amongſt us can be again perſwaded, by malicious Impoſtors, that we have Occaſion to fear Arbitrary Government under you, becauſe we will not ſubmit to it under them, who would bring upon us greater Miſeries than thoſe they pretend to wiſh us to ſhun, and would praſtiſe in this Age the Rebellion they learned in the laſt. Our going to attend your Royal Brother as far as our Borders would allow us, and our receiving him with all the Marks, and to all the Degrees of that Reſpect and Eſteem that we were capable to expreſs, were

ſigned

1679.

Small part of Duty we owe your Majesty, and of the Esteem that is due to his Merit, whose Courage will add Vigour, and whose Advice will add Stedfastness to the Resolutions that are necessary for your Service: And therefore we acknowledge the sending his Royal Highness to reside here, and the ordering he should assist in your Majesty's Councils, by your gracious Letter of the 30th of Nov. last, to be new Marks of your Protection and Kindness for this your ancient Kingdom, and as all of us wished for this Happiness, with a Zeal suitable to the Greatness of this Occasion, so we now return your Majesty for it our most humble and hearty Thanks.

1680.

The Duke continued in *Scotland* till the latter End of February this Year, at which Time, being accompanied with his Dutchess, and other Retinue, he embark'd on the Yacht, commanded by Capt. *Gunman*, and safely arrived at *Whitehall*, where, some time after, Sir *George Jeffreys*, Recorder of *London*, by his Majesty's Permission, in the Name of the Lord-Mayor and Aldermen of the City, did congratulate their Royal Highnesses happy Return, and in a florid Speech gave the Duke Assurance of the Affection of that Court to him, and the Loyalty of the City, and begged the Continuance of his Favour towards them, which the Duke assured them of; after which, the Lord-Mayor, Aldermen and Common-Council-Men there present kissed his Hand. On the 9th of *March* following, the King and the Duke did Sir *Robert Clayton*, then Lord-Mayor, the Honour to Sup with him at his House in the *Old-Jury*; the King and Duke as they passed, having a Lane made for them by the Train'd-Bands upon the Guard, from *Cheapside* to his Lordship's House, where the said Lord-Mayor, accompanied with several of the Aldermen and Two Sheriffs, received them at the Gate, amidst the Shouts of the People; next Morning the Lord-Mayor and Sheriffs went to *Whitehall*, and waited upon the King and the Duke, to return them their most humble Thanks for the great Honour they had been pleased to do them the Day before.

*Jeffrey's*  
Speech to  
the Duke  
of *York*.

But how well satisfied soever some of the Citizens seemed to be with the King and his Brother, the House of Commons, who met on the 21st of *October*, did not appear satisfied with the State the Nation was in, especially



1680.  
King  
Charles's  
Speech  
to the Par-  
liament.

cially upon Account of the Duke's Religion: The King's Speech to them imported, *That the several Pro-rogations he had made, afforded no small Advantage to our Neighbours, and was no less useful to him; for during that Time, he had made an Alliance with Spain, of the same Purport as that made before with the States of the United-Provinces, as also they had with Spain, consisting of mutual Obligations of Succour and Defence; That he desired Supplies of them for the Relief of Tangier, which had already exhausted his Purse; That he would not have them meddle with the Succession of the Crown in the Right Line, but proceed in the Discovery of the Plot, and the Tryal of the Lords.*

'Tis strange that the King should hint any such Thing as the Succession to them; it had been enough to have put them upon it, if they had not thought of it before, but the Commons were strongly disposed to intermeddle with that Matter, and therefore they thought it most expedient, in the first place, to provide for the Security of the Protestant Religion, now in imminent Danger to be subverted by the Popish Party, countenanced by the Duke of York's being of the *Romish* Perswasion; and to lay the Axe (as they thought) to the Root of the Tree, the first Thing they touched upon was, a *Bill to Exclude James, Duke of York, from succeeding to the Crown of England*; but, to be somewhat more particular on the Arguments of the Commons *pro* and *con* on this Head, we are to observe, that the first that spake to it was the late unfortunate *William Lord Russel*, Father to his Grace the now Duke of *Bedford*,

L. Russel's  
Speech a-  
bout the  
Bill of Ex-  
clusion.

and he delivered himself to this Effect; 'That seeing, by God's Providence and his Majesty's Favour, they were assembled, to consult and advise about the great Affairs of the Kingdom, it would be most conducive to begin with that which was of most Consequence both to the King and Country; it was his Opinion, that the Life of the King, the Safety of the Nation and the Protestant Religion, were in great Danger from Popery; and that either that Parliament must suppress the Growth and Power thereof, or else Popery would soon destroy not only Parliaments, but all that was near and dear to them; therefore he humbly moved they might, in the first place, take into Consideration how to suppress Popery, and prevent a Popish Successor. Sir Henry Capel, after the Ice was broke,

broke, seconded the Motion, and spoke more close to 1680. the Point, relating how the Popish Party made it their utmost Endeavours, by their Diabolical Councils, to weaken the Protestant Interest, in order to a general Destruction of it, by engaging us in a War against *Holland*, as also dividing our Fleet under Prince *Rupert* and General *Monk*, with a Design to destroy them, as well as our Navy at *Chatham*; how, when the City of *London* was burnt in 1666. that those who were taken in carrying on that wicked Work, were generally discharged without Trial; and that one Papist who had confessed that he and others had set the City on Fire, were hang'd in great Haste, and so the Business was hush'd up as compleatly as the late Plot (meaning the Popish one) was likely to be then, they branding *Hubert*, and such as had made Confession, with Madness. He added farther, That they caused the Violation of the Triple-League, and sacrificed the King's Honour to the *French*, not only by making strong Alliance with them, but by seizing the *Dutch Smyrna* Fleet, and then afterwards proclaiming War against them, which War was continued to the Ruine of both Nations: For the *French* proved but Spectators only, as they had done by the *Dutch* in 1665. How the Papists in *Ireland* (against the fundamental Laws of that Kingdom) were dispenced with to wear Arms, to the great Danger, as well as Prejudice of the Protestants there: That the Government of *Scotland* was quite alter'd, the Use of Parliaments there being in a manner abolish'd, and the Government of that Kingdom lodg'd in a Commissioner and Council, besides an Army of 20000 Men settled: All Endeavours used to divide the Protestant Interest, and to encourage the Popish, who were emboldned to act any thing, contrary both to Law and Reason, by Help of the Duke of *York*, in Hopes of having him for King. Thus they were encouraged by the *French* Ambassador too, who by his frequency at Court, seemed to be rather one of the Family and the King's Household, than a Foreign Ambassador; and by his Egress and Regress to and from his Majesty, rather a Prime Minister of State of this Kingdom, than a Councillor to another Prince: And the Truth of all had been confirm'd by *Coleman's* Letters. Then he concluded, that all these Irregularities and Enormities proceeded from the Popish Party, supported by the Duke

1680. Duke of York; therefore it was high time to think of some effectual Expedient to prevent Popery and a Popish Successor.

Several other Members spoke to the same Effect, with a farther Enumeration of Mismanagement of the Affairs of the Kingdom, occasion'd by the Papists and their Agents. I do not find one Member vindicated the Duke, or spoke in his Behalf, till the House came to a Resolve, That it was their Opinion they ought in the first place to proceed effectually to suppress Popery and a Popish Successor; after which Col. Titus, on the 2d of Nov. stood up in his Place, and spoke to this Effect:

Col. Titus's Speech. 'I have observed from the Reports that have been read; and all the Evidence that I have heard of about the Popish Plot, that it had its Original, as you have Voted, from James, Duke of York, and it is not probable, in my Opinion, that the Popish Interest can ever decline, as long as there is a Popish Successor, and they have such Hopes of his coming to the Crown; and therefore I humbly intreat, that a Committee may be appointed to draw up a Bill to disable James, Duke of York, from inheriting the Imperial Crown of this Realm. The Lord Russell seconded this Motion, in the following Manner: 'Sir, If we consider the Train of ill Consequences that attend our having a Popish Successor, and the certain Miseries that must fall on this Nation, if ever we should have a Popish King, and how impossible the One, or improbable the Other can be prevented, but by disinheriting the D. of York, I think that as we cannot disagree, as to the Sadness of our Condition, so it will be hard to find out any other Way to secure us; therefore I move, as the worthy Member before. Mr. Harbord spoke for the Bill also, arguing the Necessity of it, from the great Influence the Duke and his Party had upon the King, that Peace, War, Foreign Alliances, Meetings, Dissolutions, and Prorogations of Parliaments, Tryals at Westminster-Hall, Resolutions in Council, and other Things of Importance, had been influenced by a Popish Party and Interest; and to particularize, some who had the Exmination of the Plot, in which the King's Life and the Safety of the Nation was so much concerned, had been kept off to Admiration, and the Witnesses discouraged even to despair; all proceeding from no less a Person than the Duke, for whose Person

L. Russell's Speech.



on he had no ill Will, but rather a great Veneration, as descended from the Royal Family, but (as he thought) ought not to stand in Competition with his Duty to the King and Country, which could never be safe so long as By-Interest was so predominant; therefore he was for a Committee to bring in a Bill, &c.

On the contrary, Mr. *William Granvill* spoke, that he was conscious of the Danger of Popery, yet he hop'd that the Prudence of the House might find out some Expedients to secure the Nation, without the Bill of Exclusion; arguing that the King had at the Opening of the Sessions declared, that he would consent to any thing that should be offered for the Protestant Religion, provided it consisted with the preserving the Succession in the due legal Course of Descent; and to proceed in the Bill propos'd, would be a Means to disoblige the King, and interrupt all other Affairs, which might at that Time be very unfortunate to the Nation, and our Neighbours too. He thought it was most adviseable, instead of ordering a Committee to bring a Bill to disinherit the Duke, to bring in a Bill for banishing all Papists out of the Nation, and other Bills for having of frequent Parliaments, and to secure good Judges and Justices. He humbly mov'd, that they might try those Ways, and not proceed with such Severity against the Duke, seeing it was not consistent with Justice to pass such a severe Sentence upon the Duke, that had not been either heard or found guilty.

To these Objections Sir *Henry Capel* and Col. *Titus* spoke successively: As to the first, that to proceed contrary to the King's Resolution, as he had declared in his Speech, not to consent to the altering the Succession from its legal Course of Consent, was not inconsistent to Law, nor void of President; for the King call'd his Parliament to give Advice, and they could not therein be restrained, but might give any Advice which they thought necessary for the Security of his Person and Government; and it had often times happen'd, that Parliaments before now had offer'd such Advice to the Kings of this Nation, as had not been grateful to them at first, and yet after mature Deliberation had been well resent'd, and found absolutely necessary: As when *Clifford* (or who else it was) had perswaded his Majesty to grant a Toleration, in the Year 1672. and to tell the Parliament in his Speech made to them, that he

1680.

Mr. Gran-

vill's

Speech a-

gainst the

Bill.

Sir Henry

Capel for

the Bill.

would

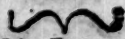
1680. would stand by it, and make it good; yet that House of Commons finding it of dangerous Consequence, and humbly offering such their Advice to his Majesty, he was pleased, notwithstanding the said Speech, to cancel the said Declaration. 2dly, As to the Banishment of the Papists, and not exclude the Duke, it would not be sufficient for the Security of the Protestant Religion; for Popish Princes had thought themselves bound by many Laws against the Interest of that Church, and our Forefathers had found, to their Sorrow, that the Strength of our Laws were not sufficient to defend them against Popish Tyrants; for no Prince of that Religion ever yet thought (as the Duke would, if he should come to the Crown) himself bound to keep Faith with Hereticks, as Queen Mary had put the Crown of Martyrdom on the Heads of them that put the Crown of Dignity on hers.

Mr. Hide  
against  
the Bill.

Next stood up Mr. Hide, now Earl of Rochester, and declared himself against the Bill, and was for a Committee of the whole House, that such as were for Expedients might have more Freedom to debate, he declar'd that he was concerned for the Justice of the House, to offer a Condemnation, without hearing the Person condemned, or had any proceeding Process: He question'd (in case they excluded him) whether the Exclusion-Bill would be binding to him, or a great many other Loyal Persons of the Nation, and if it might not occasion hereafter a Civil War. Farther he pleaded, that the King might very well out-live the Duke, and then all that they were about would be unnecessary; and why should they, to prevent that which might never happen, attempt to do that which they could never answer, either to the King or Country? He did not apprehend that the Cause was so desperate, but that they might secure themselves some other way, without over-turning Foundations: He would not fear a General without an Army. Sir Lionel Jenkins backed Mr. Hide, shewing, that Expedients were more elligible than Extremity, and that he looked on the Bill to be the greatest Extremity imaginable, and the Passing of it to be against both Law and Conscience, and that nothing less than an Army could be necessary to support it. Therefore he humbly conceived, That the Tryal of Expedients might be made, for it was time enough to proceed to Extremity, when all the Ways and Means were found insufficient.

Sir Lionel  
Jenkins  
against  
the Bill.

In

In answer to what was spoke by the Two Persons 1680.  
 If mention'd, Mr. *Thomas Bennet* stood up and spoke,   
 That he admired to hear any one doubt the Legality *Mr. Bennet*  
 of the Bill, and Legislative Power, said he, is unbound- for the  
 ed, and we may offer to the Lords, and so to his Ma- Bill.  
 jesty, what Bills we think good, and it can as little be  
 doubted, that the Legislative Power of the Nation,  
 King, Lords, and Commons, should want a Law to  
 make Laws; or that any Law should be against what  
 Laws they make. And as he thought it could not be  
 against Law, so neither against Conscience, unless it  
 could be made out, that we ought in Conscience to  
 bring in Popery. He should be very glad to hear any  
 Arguments to make good what had been offered about  
 Expedients, but was afraid when they came to be ex-  
 amined to the Bottom, they would be found very insuf-  
 ficient, and that they might as well think of catching  
 a Lion with a Mouse-Trap, as to secure our selves a-  
 gainst Popery by any Laws, without the *Exclusion Bill*:  
 That those they were to deal with could not be bound  
 by any Law or Contract whatsoever; much less could  
 their Words or Promises be depended on: Did they  
 ever keep any League or Contract that was made with  
 Protestants, longer than was necessary, in order to cut  
 their Throats? And if Laws cannot bind inferior Per-  
 sons, much less will it Princes of the Catholick Reli-  
 gion. Some argue, that our Laws are needless at this  
 Time, because the King may out-live the Duke, which  
 is as much as to say, *There is no need of Laws against Po-*  
*pery, until we see whether we shall have Occasion to make use*  
*of them or no.* But they do not tell us, how we should  
 be sure then to obtain them. As to what was objected  
 against Law, and would endanger therefore a Civil  
 War; he answered, That for his Part he never feared  
 a Civil War in favour of Idolatry, especially when we  
 had gotten a Law on our side to defend our Religion.

Mr. *Edward Seymour* (now Sir *Edward*) having some- *Mr. Sey-*  
 thing to offer, stood up and spoke in the following *mour a-*  
 Manner: 'Sir, I must confess that I am very much *gainst the*  
 'against the bringing in of this Bill; for, I think, it is *Bill.*  
 'a very unfortunate Thing, that whereas his Majesty  
 'hath prohibited but one Thing only, that we should  
 'so soon fall upon it. I cannot see there is any Cause  
 'why we should fear Popery so much, as to make us  
 'run into such an Extream; we are assured there can  
 'be



1680.

' be no Danger during his Majesty's Life; so upon an  
 ' impartial Examination, we shall find there can be no  
 ' great Reason to fear it after his Death, tho' the Duke  
 ' should out-live, and succeed him, and be of that Re-  
 ' ligion: Have we not had great Experience of his Love  
 ' to this Nation? Hath he not always squared his Acti-  
 ' ons by the exactest Rules of Justice and Moderation?  
 ' Is there not a Possibility of being of that Religion,  
 ' and not of the Church of *Rome*? Hath he not bred  
 ' up his Children in the Protestant Religion, and shew-  
 ' ed a great Respect for all Persons of that Profession?  
 ' Would it not be a dangerous Thing of him (I mean  
 ' in Point of Interest) to offer at any such Alteration of  
 ' the Religion establish'd by Law? Can any Man ima-  
 ' gine that it can be attempted without great Hazard  
 ' of utterly destroying both himself and his Family?  
 ' And can so indiscreet an Attempt be expected from a  
 ' Prince so abounding in Prudence and Wisdom? But  
 ' tho' we should resolve to have no Moderation in our  
 ' Proceedings against Papists, yet, I hope, we shall have  
 ' some of our selves. It cannot be imagin'd that such  
 ' a Law can bind all there are in *England*, any in *Scot-*  
 ' *land*; and it is disputed whether it will in *Ireland*:  
 ' So that in all Probability it will not only divide us  
 ' among our selves, but the Three Kingdoms one from  
 ' another, and occasion a miserable Civil War: For it  
 ' cannot be imagined that the Duke will submit to it,  
 ' and to disinherit him for his Religion, is not only to  
 ' act according to the Popish Principles, but to give  
 ' Cause for a War, with all the Catholick Princes in  
 ' *Europe*; and that must occasion a standing Army,  
 ' from whom there will be more Danger of Popery  
 ' and Arbitrary Government, than from a Popish Suc-  
 ' cessor, or a Popish King. Sir, it is very agreeable to  
 ' the Weight of the Matter, and the usual Proceed-  
 ' ings of this House, that this Business should be fully  
 ' debated; and therefore I humbly move it may be in  
 ' a Committee.

Sir William  
 Jones for  
 the Bill.

In Answer to this, Sir William Jones spoke to this Ef-  
 ' fect; ' Sir, I am of Opinion, that Expedients in Politicks  
 ' are like Mountebank-Tricks in Physick; as the one  
 ' does seldom Good to Bodies Natural, so nor the other  
 ' to Bodies Politick. Government is a weighty Thing,  
 ' and cannot be supported or protected but by such  
 ' Pillars as have neither Flaws nor Cracks, and placed  
 ' on

on an in a sure Foundation. I am afraid that all Expedi-  
 be no ents will be found to have far different Qualifications.  
 Duke cannot foresee how the Excluding any Person who  
 t Re hath a Right to the Succession, depending upon Con-  
 Love ngencies, upon such an Account as this is, should  
 Acti occasion a Civil War, but rather do think, that there  
 ion? a great deal more Danger not only of a Civil War,  
 gion, but of our Religion and Liberty too, if we should not,  
 bred and so have a Popish King: For I do believe, that  
 hew such a King would soon have a Popish Council.  
 ion? or if there be Eleven to Seven now for the Interest of  
 mean Popish Successor, what may you not expect when  
 on of you have a Popish King? And should you not then  
 ima ve soon Popish Judges, Justices, Deputy-Lieutenants,  
 azard commanders at Sea and Land, nay, and Popish Bi-  
 nily? shops too: For if there be none put into any of these  
 om a places now that are for acting against a Popish Suc-  
 But essor, well may we expect that none shall be put in  
 n our men but what are for a Popish King. And therefore  
 have am astonish'd to hear any Man that pretends to be a  
 such protestant, argue, that in such a Case we need not fear  
 Scot. popery; for indeed it is to argue for Popery, and must  
 and: proceed from an Opinion, that the Protestant Interest  
 de us very low, and not able to bear up long against Pope-  
 from ry, or else that Protestants are very credulous and in-  
 For it considerate, and may be brought to destroy them-  
 to it, selves with their own Hands. Must our Religion and  
 ly to liberty have no Security, but what depends on the  
 give virtues and Goodness of a Prince who will be in  
 es in subjection to the Pope, and possibly influenced by  
 army, suits and such Creatures: Will it not seem strange  
 pery that such a Prince should compose his Privy-Council  
 Suc- of Persons inclined to that Religion, or that he should  
 ble to employ any others, as Judges, Justices, Sheriffs, or  
 ceed- commanders in any Place of Trust, either at Land or  
 fully sea. And can we think that by the many Endeavours  
 be in which will be used, that the common People will not  
 s Ef- be debauched, and either be mislead, or made indif-  
 ticks ferent in a little while? Is it not in the Power of the  
 one King to nominate his Councillors, Judges, Sheriffs,  
 other commanders at Sea and Land; and can it be ima-  
 hing, ned, that he will not take Care to nominate such as  
 such all be for his Turn? Certainly, Sir, no Man can ima-  
 placed ne, that the Protestant Religion can long be pre-  
 ' on served under such a King, but such as cannot or will

1680.

'not see at a Distance, what a Change such a Scheme  
 'of Government will soon produce, and how likely  
 'is that it will be set up and practised, if ever we should  
 'have a Popish King? And as I do think that our Religion  
 'can never be secured without this Bill, so I do  
 'not fear that it will occasion any Civil War, or any  
 'Division between this Kingdom, *Scotland* and *Ireland*  
 'but rather I believe it will be a Means to reconcile  
 'Protestant Interest, and to settle the Government upon  
 'on such a Bottom as will prove invincible. In *Scotland*  
 'land the major part of the People hate Popery as well  
 'as we, and so do the Protestants in *Ireland*. And  
 'therefore certainly it will be their Interest to join with  
 'us against a common Enemy, and not to divide. And  
 'whereas it hath been suggested, that this Bill will engage  
 'us in a War against all Catholick Princes, I look  
 'upon it as a Bugbear, and do believe that we shall  
 'gain many Friends by being settled, as we may be by  
 'having this Bill; because then we may be formidable  
 'to our Enemies, and serviceable to our Allies, but never  
 'without it. And, Sir, this is not to disinherit  
 'Man for his Religion, but because he has rendered  
 'himself incapable to govern us, according to our  
 'Laws, which, whether it proceeded from his Religion  
 'or any thing else, is all one to us. He being incapable  
 'is the Ground for our Proceedings, having no other  
 'Way to secure our selves. Upon the whole Matter  
 'do conclude, *That a Popish King and a Protestant Religion*  
 'are irreconcilable, and we have no Reason to fear  
 'Civil War, so long as we have a Law for our Defence, and  
 'a Protestant King to head us, which we cannot expect without  
 'our passing some such Bill as this under Debate: And therefore  
 'fore I humbly move it may be brought in.

Several other Members argued, some against, others  
 for the Bill, but after it was read the first time, Sir *Leonel*  
*Fenkins* stood up and address'd himself to the Speaker  
 in the following Manner: 'Sir, I have spent much  
 'of my Time in studying the Laws of this Land, and  
 'I pretend to know something of the Laws of Foreign  
 'Countries, as well as of our own, and I have upon  
 'this Occasion well considered of them, but I cannot  
 'find how we can justify the Passing of this Bill, rather  
 'much against it. First, I think it contrary to Nature  
 'and Justice, that we should proceed to Condemnation  
 'not only before Conviction, but before we have heard

Sir *Leonel*  
*Fenkins* a-  
 gainst the  
 Bill.



the Party, or examined any Witnesses about him, I am sure none in his Defence, and to do this by making a new Law of purpose, when you have old Laws in being that have appointed a Punishment to this Crime, I humbly conceive it were severe, and contrary to the usual Proceedings of this House, and the Birth-Right of every *English* Man.

Secondly, 'I think it contrary to the Principles of our Religion, that we should dispossess a Man of his Right, because he differs in point of Faith: For is it not agreed by all, *that Dominion is founded in Grace*; for my part, I think there is more of Popery in this Bill, than can possibly be in the Nation without it; for none but Papists and Fifth-Monarchy-Men did ever go about to disinherit Men for their Religion.

Thirdly, 'I am of Opinion, that the Kings of *England* have their Right from God alone, and that no Power on Earth can deprive them of it, and I hope this House will not attempt to do any thing which is so precisely contrary not only to the Law of God, but of the Land too: For if this Bill will pass, it will exchange the Essence of the Monarchy, to make the Crown Elective; for by the same Reason that this Parliament may disinherit this Prince for his Religion, other Parliaments may disinherit another upon some other Pretence which they may suggest; and so consequently by such Exclusions elect whom they please.

Fourthly, 'It is against the *Oath of Allegiance*, taken in its own Sense, without Jesuitical Invasions. For by binding all Persons to the King, his Heirs and Successors, the Duke as presumptive Heir must be understood: And I am of Opinion it cannot be dispensed withal. Sir, I will be very cautious how I dispute the Power of Parliaments; I know the Legislative Power is very great, and it ought to be so: but yet I am of Opinion, that Parliaments cannot disinherit the Heir of the Crown, and that if such an Act should pass, it would be invalid in it self; and therefore I hope it will not seem strange that I should offer my Judgment against this Bill while it is in Debate, in which I think I do that which is my Duty, as a Member of this House. *Henry IV. of France* was a Protestant, his People most Papists, who used some Endeavours to prevent his coming to the Crown; but when they found they were not like to perfect their

1680. 'Design without occasioning a Civil War, they desired, concluding that a Civil War would probably bring upon them more Misery than a King of a different Religion; and therefore submitted.

'Sir, I hope we shall not permit our Passion to guide us instead of Reason, and therefore I humbly move you to throw out the Bill.

Mr. John  
Hampden  
for the Bill

Then Mr. John Hampden made the following Reply to Sir Leonel's Objections. As to the first, *That the Passing of the Bill was contrary to natural Justice, because the Duke had not been heard.* The Precedents that might be offer'd to make out, that Parliaments have, when they thought good, condemned Persons by Bill, were numerous, and without any Hearing too; and if there were none, to doubt the Power of the Legislative Authority of the Nation, in that or any other Case, was to suppose such a Weakness in our Government, inconsistent with the Prudence of our Ancestors and common Reason, as could not well be imagined. As to the Second Objection, he answered, That it was apparent, that the Opinions and Principles of the Papists tended to the Alteration of the Government, and the Religion of the Nation, and the Introducing instead thereof Superstition and Idolatry, and a Foreign and Arbitrary Power, and that it was Folly to think that the using of the only Means for the Preservation of our Religion, was inconsistent with the Principles thereof. In Answer to the Third he affirms, That the Bill would endanger the Reducing of the Government to be elective. He argued, It would not be presumed that any thing but the like Cause could have the like Effect. Tho' the Succession of the Crown had been formerly often changed by Acts of Parliament, yet hitherto had not made the Crown Elective; and why must it be fear'd now? As to the last, he said, That the Bill was no such strange Expedient, but would be done in other Countries upon the like Occasion; for he believed, that if the *Dauphin of France*, or *Infanta of Spain*, were Protestants, and for Twenty Years together endeavour'd the Setting up of another Interest and Religion, contrary to the Interest of those Kings and the Catholic Religion, especially, if such Endeavours had been accompanied with such Success as here, and those Nations had been so often by such Means reduced so near Ruine, as we have been, by Divisions, Toleration

urnings, Plots, Sham-Plots at Home, and by Wars 1680.  
and Foreign Alliances over-ruled in their Favour A-  
road, but that they would have been more impatient  
than we have been for this Remedy, and in dangerous  
cases no body questioned the Authority of the Parlia-  
ment of *England*, to find Expedients of this Nature; for  
the Succession of the Crown had been formerly changed  
by Act of Parliament, as mention'd before.

After many Arguments *pro* and *con*, too tedious to be  
here inserted, on the 8th of *Nov.* the House resolved it  
self into a Committee of the whole House, to proceed  
to Consideration of the Bill to disable *James*, Duke of  
*York*, to inherit the Imperial Crown of *England* and *Ire-*  
*land*, and the Dominions and Territories thereto be-  
longing, and after many Debates about several Amend-  
ments, and Clauses to be added, the Bill was agreed  
and reported to the House; and upon the 11th Mr. *Ver-*  
*non* moved, that the Ingrossed Bill for disinheriting  
*James*, Duke of *York*, might be read, which was done  
accordingly, and is as followeth:

WHEREAS *James*, Duke of *York*, is notoriously known Bill of Ex-  
to have been perverted from the *Protestant* to clusion,  
the *Popish* Religion, whereby not only great Encou-  
agement hath been given to the *Popish* Party, to en-  
ter into and carry on most devilish and horrid Plots  
and Conspiracies, for the Destruction of his Majesty's  
Sacred Person and Government, and for the Extirpa-  
tion of the *Protestant Religion*: But also if the said  
Duke should succeed to the Imperial Crown of this  
Realm, nothing is more manifest, than that the total  
Change of Religion within these Kingdoms would  
ensue. For the Preservation thereof, be it Enacted  
by the King's most Excellent Majesty, by and with  
the Advice and Consent of the Lords Spiritual and  
Temporal, and the Commons, in this present Parlia-  
ment assembled, and by the Authority of the same,  
That the said *James*, Duke of *York*, shall be, and is  
by the Authority of this present Parliament, excluded,  
and made for ever incapable to inherit, possess, or  
enjoy the Imperial Crown of this Realm, and of the  
Kingdom of *Ireland*, and the Dominions and Territo-  
ries of them, or to either of them belonging, or to  
have, exercise, or enjoy any Dominion, Power, Ju-  
isdiction, Authority over the said Kingdoms, Do-  
minions,



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'minions, or any of them. And be it further enacted  
 'by the Authority aforesaid, That if the said *James*,  
 'Duke of *York*, shall at any time hereafter challenge,  
 'claim, or attempt to possess or enjoy, or shall take  
 'upon him to use or exercise any Dominion, or Power,  
 'or Authority, or Jurisdiction within the said King-  
 'doms or Dominions, or any of them, as King or chief  
 'Magistrate of the same, that then he the said *James*,  
 'Duke of *York*, for every such Offence, shall be deem-  
 'ed and adjudged Guilty of High-Treason; and shall  
 'suffer the Pains, Penalties and Forfeitures, as in case  
 'of High-Treason. And further, That if any Person  
 'or Persons whatsoever, shall assist or maintain, abet, or  
 'willingly adhere unto the said *James*, Duke of *York*, in  
 'such Challenge, Claim, or Attempt, or shall of them-  
 'selves attempt or endeavour to bring the said *James*,  
 'Duke of *York*, into the Possession or Exercise of any  
 'Legal Power, Jurisdiction, or Authority, within the  
 'Kingdoms and Dominions aforesaid; or shall by  
 'Writing or Preaching, advisedly publish, maintain or  
 'declare, that he hath any Right, Title or Authority to  
 'the Office of King, or chief Magistracy of the King-  
 'doms and Dominions aforesaid, that then every such  
 'Person shall be deem'd and adjudged Guilty of High  
 'Treason, and that he suffer and undergo the Pains  
 'Penalties, and Forfeitures aforesaid.

'And be it further enacted by the Authority aforesaid,  
 'said, That the said *James*, Duke of *York*, shall not at  
 'any time from and after the 5th of Nov. 1680. return  
 'or come into, or within any of the Kingdoms or Do-  
 'minions aforesaid, and then he the said *James*, Duke  
 'of *York*, shall be deemed and adjudged Guilty of High  
 'Treason, and shall suffer the Pains, Penalties and For-  
 'feitures, as in case of High-Treason. And further  
 'That if any Person or Persons whatsoever, shall be  
 'aiding or assisting to such Return of the said *James*,  
 'Duke of *York*, that then every such Person shall be  
 'deemed and adjudged Guilty of High-Treason, and  
 'shall suffer as in Cases of High-Treason.

'And be it further enacted by the Authority aforesaid,  
 'said, That the said *James*, Duke of *York*, or any other  
 'Person, being guilty of the Treasons aforesaid, shall  
 'not be capable of or receive Benefit by any Pardon  
 'otherwise than by Act of Parliament, wherein the  
 'shall be particularly named; and that no *Noli prosequi*

or Order to stay Proceedings, shall be received or allowed, in or upon any Indictment for any of the Offences mention'd in this Act. 1680.

And be it further enacted and declared, and it is hereby enacted and declared, That it shall and may be lawful to, and for any Magistrate, Officers, and other Subjects whatsoever of these Kingdoms and Dominions aforesaid; and they are hereby enjoined and required to apprehend and secure the said *James*, Duke of *York*, and any other Person offending in any of the Premises, and with him or them, in case of Resistance, to fight, and him or them by Force to subdue. For all which Acts, and for so doing, they are and shall be, by Virtue of this Act, saved harmless and indemnified.

Provided, and it is hereby declared, That nothing in this Act contain'd, shall be construed, deemed or adjudged to disenable any other Person from inheriting and enjoying the Imperial Crown of the Realms and Dominions aforesaid (other than the said *James*, Duke of *York*) but that in case the said *James*, Duke of *York*, should survive his now Majesty, and the Heirs of his Body, the said Imperial Crown shall descend to and be enjoy'd by such Person or Persons successively, during the Life of the said *James*, Duke of *York* as should have inherited and enjoy'd the same, in case the said *James*, Duke of *York*, were naturally dead, any thing contained in this Act to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That during the Life of the said *James*, Duke of *York*, this Act shall be given a Charge at every Assizes, and General Sessions of the Peace, within the Kingdoms, Dominions and Territories aforesaid, and also shall be openly read in every Cathedral Church and Parish-Church, and Chappels, within the aforesaid Kingdoms, Dominions and Territories, by the respective Parsons, Vicars, Curats and Readers thereof, who are hereby immediately required, after Divine Service, in the Forenoon, to read the same twice in every Year; that is to say, on the 25th of *December*, and upon *Easter-Day*, during the Life of the said *James*, Duke of *York*.

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*Sir Lionel  
Fenkins*  
against  
the Bill.

After the Reading of the Bill, *Sir Lionel Fenkins* stood up again, and declared, as before, against it, making a Repetition of his before-mentioned Objections, especially about the Oath of Allegiance; for thereby he thought himself bound to him as Heir, until it pleased God that his Majesty had Children; and that it was a very hard Case upon the Duke, who was enrich'd with such excellent Endowments as he was, which Endowments he had employ'd in the Service of this Nation, by fighting our Battles, and defending us from the Oppression of our Enemies, and was only guilty of one small Crime, and that but an Opinion of some Points of Faith.

*Mr. Hide*  
against  
the Bill.

*Mr. Hide* spoke very much to the same Purpose, protesting against the Bill, that the Duke was dealt with more hard than the King's Murtherers were, for they had fair Trials, and were permitted to speak for their own Defence, whereas this Procedure against the Duke allow'd him not to have a Hearing: Therefore it was against natural Justice, and he could not in Conscience concur therein.

*Sir William  
Hickman*  
for the Bill

But, to be short, *Sir William Hickman* stood up and enumerated up all the Objections against the Bill, viz. That some learned Members argued, that the Bill was against natural Justice, because it condemned a Man before he was heard, that it was too severe a Condemnation for so small a Crime. 2. That it was against the Oath of Allegiance, and Principles of our Religion. 3. That it would be a Scandal upon the Church. 4. That it was a Law that would be void in it self, and that there were a loyal Party that would never obey it. 5. That it would make the Crown Elective, and occasion a Civil War. 6. And that the Proviso, as to the Duke's Children, was not strong enough, because the Word Presumptive there was left out.

To the first Objection he answered, That the Bill was not intended as a Condemnation to the Duke, but a Security to our selves; and was so far from being against natural Justice, that the Passing of it was agreeable to the very Foundation not only of natural Justice, but natural Religion too; the Safety of the King and Kingdom depending thereon; which, according to the Rules of Justice and Religion, we are bound to use our Endeavour to preserve, before any one Man's Interest. As to the Oath of Allegiance, he admired at such an

Ob.



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Objection, for he never heard that Oath pleaded in favour of Popery, that he never found that that Oath extended to the Successor, during the King's Life, and therefore there's no Need of any Dispensation in that Point. He could not imagine how it could be any Scandal to the Church, if they meant the Protestant one; could the Church or Church-men be scandalized because they endeavoured to secure themselves against Popery, by all lawful Means, the very Supposition was a high Reflection upon the Church-men, as rendring them willing to let in Popery, if they used not practicable Means for the suppressing of it. To say, *That the Law will be void in it self, and that there will be a loyal Party that will never obey it, and that it will occasion a Civil War, &c.* were strange Arguments; for to doubt that the Legislative Power of the Nation, King, Lords and Commons, cannot make Laws that shall bind any, or all the Subjects of this Nation, is to suppose there is such a Weakness in Government, as must infallibly occasion its Ruine; and therefore he was of Opinion, that what Laws they made in this Case, would carry as much Strength with them, not only now, but after the King's Death, as any Law whatsoever. And how then could there be a loyal Party that would not acquiesce therein, unless the Word Loyal had some other Signification than he knew of: He took it to be a Distinction that could only be given to such as obey Laws; and there was no Question, but if once that Law were passed, there would be Protestants enough, whose Interest it would be to defend it, and would compel an Obedience to it, and there was more Reason to fear a Civil War without it, than with it; for if that Bill should pass, thereby we might be so united and enabled to defend our selves, as the Popish Party would never have the Confidence to attempt us; but without it, we should not be in any Capacity to defend our selves, which, above all Things, might encourage a Civil War. And as to the Proviso for securing the Right of the Duke's Children, if it was not strong enough, he was ready to make it stronger; but in his Opinion it was made as full and as comprehensive as could be, at least he took the leaving out the Words, *Presumptive Heir to the Crown*, to be no Objection against it; for there was no such Word in our Law-Books, nor no such Term in treating of the Succession, and therefore

1680. fore Care should be had how to make a Precedent in that Case. Then he concluded, saying, *That he saw no Validity in all the Arguments offered against the Bill, and if there were any, they were not to stand in Competition with our Lives and Religion, neither of which were in any Safety, as long as there was a Popish Succession, and the Fears of a Popish King.*

Sir Francis  
Winning-  
ton for  
the Bill.

These Arguments were both enlarged upon and strongly back'd by Sir Francis Winnington, who spoke to this Effect: Sir, The Arguments that have been used against this Bill, may be very excellent to lull us into a fatal Security, by possessing us with Opinions, that there is no need of taking so much Care about Popery, or that we ought not to expose it, or that it will be to no Purpose, because we have no Power to hinder it; but I cannot see what Weight they have in them, grounded on any other Consideration, to hinder the Passing of this Bill, rather for the same Reason that such Arguments as these are here offered against this Bill, and such Endeavours used Abroad to reconcile the People to have a better Opinion of Popery than formerly, I think we ought to be the more zealous for this Bill, because nothing can give a greater Encouragement and Assistance to Popery than the Growth of such Opinions, nor prevent their Design, who are industrious to infuse them, than the Passing of this Bill. Whoever will consider how this Monarchy hath declined in Grandeur, Honour and Reputation abroad, by the Destruction of our Navy in 1666. and the little Appearance we have ever since made of being able to be formidable at Sea, but above all our Ministers Double-dealing in the making of Alliances, or performing of them (in order to keep up our Interest with *France*) how from being Umpire to all this part of the World, according to that Advantage which we have by our Situation, we are become the despicablest Nation in *Europe*? How the Government is weakned at home, not only by Fears and Jealousies, but by the Debaucheries and Divisions which have been promoted amongst the People? How narrowly we escaped Ruine, when the City of *London* was burnt, as well as when the Toleration came out, and the Army was at *Black-Heath*, as lately by the horrid Plot, if it had not been discover'd? How there is nothing stands between us and Death, but the King's Life; and how all these Dangers past

and

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and present do arise from Popery; and how impossible it should be otherwise, as long as there is a Popish Successor; may justly admire how there should be any Arguments offer'd in this Place to lessen Popery. I cannot tell how these learned Members understand natural Justice; but I am of that Opinion, that Self-Preservation, and the Protection of our Religion, and Life of our King, by all lawful Ways, is very agreeable to natural Justice: And I do admire to hear such a Construction made of the Oath of Allegiance, that it binds all Persons to the next Heir, as well as to the King. For it is a most dangerous Maxim, and may be of ill Consequence, if ever the next Heir of the Crown should make a Rebellion, for he may thereby challenge Allegiance from the People, as well as the King, which may be of a pernicious Consequence. And I do not see wherein our Church and Religion can be scandaliz'd by this Bill; for we do not disinherit this Prince for his Religion, but to save our own, and to prevent the manifest Ruine of the Nation. And therefore I think it is a Kindness to the Church above all Acts whatsoever, because it is the only Way to preserve it, I mean the Protestant Church. All those Objections that have been made against the Lawfulness and Validity of this Act, do not weigh with me; but notwithstanding what hath been said, I do believe it will be as good a Law, if once it be past, and will be as well observed too as any Act whatsoever. The King hath his Right from God, and by our Laws can do no Wrong. If we should give all these Qualifications to a Successor, as hath been in some measure insinuated, it would make a strange Confusion in the Government. Life it self, to which a Man hath as much Right, as any Successor can pretend to have to the Crown, is taken away upon some Forfeiture for the publick Good: And as there may be a Forfeiture of Life, so there may be a Forfeiture of a Right to the Succession, and no doubt but that there is an unlimited, uncontrollable Power, residing some-where in all Governments, to remedy the Exigencies that may happen. Is it to be supposed there is such a Weakness in this or any other Government, as that it may fall when a powerful Faction shall endeavour it? In this Nation this Power is in the King, Lords and Commons, and I hope they will make use of it to preserve the Government upon  
this



1680. this Occasion. And I do not doubt, but if the Bill pass, all will obey it heartily, that wish well to the Protestant Religion. I am afraid some Ministers of State place their Safety in common Ruine, or otherwise the Settling of this Affair would not have been so long delayed and opposed as it has been: Has there not been contrived and practised, and is there not still threatned the greatest and certainest Ruine of this Nation, by this Business of the Duke, that ever was yet projected, and must we be more stupified than our Ancestors? Doth not the Act of the 13th of Queen Elizabeth, make it Treason for any Man to say, *That the Parliament cannot alter the Succession*? And in Henry VIII's Time, was not the Right of Succession changed and rechanged by Act of Parliament? He then instanced several Presidents how the Succession had been settled and altered by Acts of Parliament, since William the Conqueror's Time, and concluded with a Motion for passing the Bill.

Against  
the Bill.

Several other Members stood stiffly against the Bill, and besides what Arguments were offered before, made a Tender of the following Ones: That tho' it was made Treason by the Statute in the 13 *Elix.* yet the Kings of England's Rights were by so ancient a Prescription, as that it might justly be said *to be from God alone, and that no Power on Earth ought to dispute it*; and one was of Opinion, That the Succession of the Crown was inseparably annexed to the Proximity of Blood, and therefore was not alterable; and if that Bill should pass into a Law, it would be of it self invalid; and that many Doubts might arise from the Penning of the Bill; as if the Princess of *Orange* should come to the Crown, during the Duke's Life, and the Duke should afterwards have a Son, was it Justice for that Son to lose his Right for ever; for there was no Provision made in the Bill to save his Right, which might occasion a Civil War between his Generation and the Princess's Children, as bloody as that between the House of *York* and *Lancaster*.

For the  
Bill.

The other Party answered these Objections without any Hesitation, That our Ancestors, as mention'd before, upon several Occasions, settled and changed the Succession, of which there were many Instances given, which did not only confirm the Power of the Parliament to alter the Succession, but also did justify their Pro-

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Proceedings as to this Bill under Debate. As to the Objection made about the Duke's Son, if he should have any after either of his Daughters had taken Possession of the Government, it might in some measure be made against the Course of Succession, observed in all Kingdoms, if a King die, leaving a Queen, the next Heir would be presently Proclaimed, to prevent an *Interregnum*, tho' there be a Possibility of the Queen's being with Child, to whom the Right in the first place should belong. If any such should be born, such a Settlement as was designed by the Bill, might destroy the French and Popish Interest, but could never be a Gratification to them.

Upon the 17th of Nov. the King's Message about Tangier was read, being in Substance, *That the Condition and Importance of the Place obliged his Majesty to put the House in mind again, that he relied upon them for the Support of it*; but the Commons, after several Debates thereupon, and in Answer thereof, appointed a Committee on the 30th, to draw up an Address to be presented to his Majesty, wherein there are some Things relating to the Duke, and ought not to be omitted; therefore I thought it not improper to be inserted here, and is as followeth.

*The Humble Address of the Commons in Parliament assembled.*

*May it please your most Excellent Majesty,*

WE, your Majesty's most obedient and loyal Sub-Commons  
 ' Subjects, the Commons in Parliament assembled, Address  
 ' having with all Duty and Regard taken into our seri- to King  
 ' ous Consideration your Majesty's late Message relating Charles 2.  
 ' to Tangier, cannot but account the present Condition  
 ' of it, as your Majesty is pleased to represent it in your  
 ' said Message (after so vast a Treasure expended to  
 ' make it useful) not only as one Infelicity more added  
 ' to the afflicted Estate of your Majesty's faithful and  
 ' loyal Subjects, but as one Result also of the same  
 ' Counsels and Designs, which have brought your Ma-  
 ' jesty's Person, Crown and Kingdoms into these great  
 ' and imminent Dangers, with which at this Day they  
 ' are

1680.  are surrounded: And we are the less surprized to hear of the Exigencies of *Tangier*, when we remember, that since it became part of your Majesty's Dominions, it hath several times been under the Command of Popish Governours (particularly for some time under the Command of a Lord Impeached, and now Prisoner in the *Tower*, for the execrable and horrid Popish Plot) That the Supplies sent thither have been in great part made of Popish Officers and Soldiers, and that the *Irish* Papists amongst the Soldiers of that Garrison, have been the Persons most countenanced and encouraged.

To that part of your Majesty's Message which expresses a Reliance upon this House for the Support of *Tangier*, and a Recommendation of it to our speedy Care, we do, with all Humility and Reverence, give this Answer; That altho' in due Time and Order we shall omit nothing incumbent on us for the Preservation of every part of your Majesty's Dominions, and advancing the Prosperity and flourishing Estate of this Kingdom; yet at this Time, when a Cloud which has long threatned this Land, is ready to break our Heads in a Storm of Ruine and Confusion, to enter into any further Consideration in this Matter, especially to come to any Resolutions in it, before we are effectually secured from the imminent and apparent Dangers arising from the Power of Popish Persons and Councils, we humbly conceive will not consist either with our Duty to your Majesty, or the Trust reposed in us by those we represent.

It is not unknown to your Majesty, how restless the Endeavours, and how bold the Attempts of the Popish Party, for many Years last past, have been, not only within this, but other your Majesty's Kingdoms, to introduce the Romish, and utterly extirpate the true Protestant Religion. The several Approaches they have made towards the Compassing this their Design (assisted by the Treachery of peridious Protestants) have been so strangely successful, that it is Matter of Admiration to us, and which we can only ascribe to an Over-ruling Providence, that your Majesty's Reign is still continued over us, and that we are assembled to consult the Means of our Preservation. This bloody and restless Party, not content with the great Liberty they had for a long time enjoy'd, to exercise their



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' their own Religion privately among themselves, to  
 ' partake of an equal Freedom of their Persons and E-  
 ' states with your Majesty's Protestant Subjects, and  
 ' of an Advantage above them, in being excused  
 ' from chargeable Offices and Employments, hath so  
 ' far prevail'd, as to find Countenance for an open and  
 ' avowed Practice of their Superstition and Idolatry,  
 ' without Controul, in several Parts of this Kingdom.  
 ' Great Swarms of Priests and Jesuits have resorted hi-  
 ' ther, and have here exercised their Jurisdiction, and  
 ' been daily tampering to pervert the Consciences of  
 ' your Majesty's Subjects. Their Opposers they have  
 ' found Means to disgrace, and if they were Judges,  
 ' Justices of the Peace, or other Magistrates, to have  
 ' them turned out of Commission, and in Contempt of  
 ' the known Laws of the Land, they have practised  
 ' upon People of all Ranks and Qualities, and gained  
 ' over divers to their Religion; some openly to profess  
 ' it, others secretly to espouse it, as most conduced to  
 ' the Service thereof.

' After some time they became able to influence Mat-  
 ' ters of State and Government, and thereby to destroy  
 ' those they cannot corrupt. The Continuance or  
 ' Prorogation of Parliaments has been accommodated  
 ' to serve the Purposes of that Party. Money raised  
 ' upon the People to supply your Majesty's extraordi-  
 ' nary Occasions, was by the Prevalence of Popish  
 ' Councils employ'd to make War upon a Protestant  
 ' State, and to advance and augment the dreadful Pow-  
 ' er of the French King, tho' to the apparent Hazard  
 ' of this, and all other Protestant Countries. Great  
 ' Numbers of your Majesty's Subjects were sent into  
 ' and continued in the Service of that King, notwith-  
 ' standing the apparent Interest of your Majesty's King-  
 ' doms, the Addressses of the Parliament, and your Ma-  
 ' jesty's gracious Proclamations to the contrary. Nor  
 ' can we forbear to mention, *how at the Beginning of the*  
 ' *same War, even the Ministers in England were made In-*  
 ' *struments to press upon that State the Acceptance of the*  
 ' *Demand, among others, from the French King, for pro-*  
 ' *curing their Peace with him, that they should admit the*  
 ' *publick Exercise of the Roman Catholick Religion in the*  
 ' *United-Provinces, the Churches there to be divided, and*  
 ' *the Romish Priests maintained out of the Publick Re-*  
 ' *venue.*

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‘ At home, if your Majesty did at any Time, by the Advice of your Privy-Council, or of your Two Houses of Parliament, *command the Laws to be put in Execution against Papists*, even from thence they gain’d Advantage to their Party, while the Edge of those Laws was turned against Protestant Dissenters, and the Papists escaped, in a manner untouched. The Act of Parliament enjoining a Test to be taken by all Persons admitted into any Publick Office, and intended for a Security against Papists coming into Employment, had so little Effect, that either by Dispensation obtained from *Rome*, they submitted to those Tests, and held their Offices themselves, or those put in their Places were so favourable to the same Interests, that Popery it self has rather gained than lost Ground since that Act.

‘ But that their Business in hand might yet more speedily and strongly proceed, at length a Popish Secretary (since executed for his Treason) takes upon him to set afoot and maintain Correspondences at *Rome* (particularly with a Native Subject of your Majesty’s promoted to be a Cardinal) and in the Courts of other Foreign Princes (to use their own Form of Speech) *for the subduing that pestilent Heresie which has so long domineer’d over this Northern World; that is, to root the Protestant Religion out of England, and thereby to make Way the more easily to do the same in other Protestant Countries.*

‘ Towards the doing of this great Work (as Mr. Coleman was pleased to call it) Jesuits (the most dangerous of all Popish Orders, to the Lives and Estates of Princes) were distributed to the several Precincts within the Kingdom, and held joint Councils with those of the same Order in all Popish Countries: Out of those Councils and Correspondences was hatch’d that damnable and hellish Plot, by the good Providence of Almighty God brought to Light above Two Years since, but still threatening us; wherein the Traitors, impatient of longer Delay, reckoning the Prolonging of your Sacred Majesty’s Life (which God long preserve) as the great Obstacle in the Way to the Consummation of their Hopes, and having in their Prospect a profelited Prince, immediately to succeed in the Throne of these Kingdoms, resolved to begin their Work with the Assassination of your  
Ma-

‘ Majesty, to carry it on with arm’d Force, to destroy 1680.  
 ‘ your Majesty’s Protestant Subjects in *England*, to execute a second Massacre in *Ireland*, and so with Ease arrive at the Suppression of our Religion, and the Subversion of our Government.

‘ When this accursed Conspiracy began to be discovered, they began the Smothering it with the barbarous Murther of a Justice of the Peace, within one of your Majesty’s own Palaces, who had taken some Examinations concerning it.

‘ Amidst these Distractions and Fears, Popish Officers for the Command of Forces, were allowed upon the Musters, by special Orders (surreptitiously obtained from your Majesty) but Counter-sign’d by a Secretary of State, without ever passing under the Tests prescribed by the Act of Parliament. In like manner above Fifty new Commissions were granted about the same time to known Papists, besides a great Number of desperate Popish Officers, tho’ out of Command, yet entertained in Half Pay. When in the last Parliament the House of Commons were to bring to a legal Tryal the Conspirators in this Plot, that Parliament was first prorogued, and then dissolved. The Interval between the Calling and Sitting of this Parliament was so long, that now they conceive Hopes of covering all their past Crimes, and gaining a seasonable Time and Advantages of practising them more effectually.

‘ Witnesses are attempted to be corrupted, and not only Promises of Reward, but of the Favour of your Majesty’s Brother, made the Motives to their Compliance. Divers of the most Considerable of your Majesty’s Protestant Subjects have Crimes of the highest Nature forged against them, the Charge to be supported by Subornation and Perjury, that they may be destroyed by Forms of Law and Justice.

‘ A *Presentment* being prepared for a Grand-Jury of *Middlesex*, against your Majesty’s said Brother the Duke of *York* (under whose Countenance all the rest shelter themselves) the Grand-Jury were in an unheard of, and unprecedented, and illegal Manner discharged, and that with so much Haste and Fear, lest they should finish that *Presentment*, that they were prevented from delivering many other *Indictments*, by them at that time found against other Popish recusants.



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cusants. Because a Pamphlet came forth Weekly, called, *The Weekly Packet of Advice from Rome*, which exposes Popery (as it deserves) as ridiculous to the People, a new and arbitrary Rule of Court was made in your Majesty's Court of *King's-Bench* (rather like a *Star Chamber*) That the Same should not for the Future be printed by any Person whatsoever.

We acknowledge your Majesty's Grace and Care, in issuing forth divers Proclamations since the Discovery of the Plot, for the *Banishing Papists from this great City, and Residences of your Majesty's Court, and the Parliament*; but with Trouble of Mind, we do humbly inform your Majesty, That notwithstanding all those Prohibitions, great Numbers of them, and of the most dangerous Sort, to the Terror of your Majesty's Protestant Subjects, do daily resort hither, and abide here. Under these and other sad Effects and Evidences, of the Prevalency of Popery, and its Adherents, we your Majesty's faithful Commons, found this your Majesty's distressed Kingdom, and other Parts of your Dominions labouring, when we assembled.

And therefore from our Allegiance to your Majesty, our Zeal to our Religion, our Faithfulness to our Country, and our Care of Posterity, we have lately, upon mature Deliberation, proposed one Remedy of these great Evils, without which (in our Judgments) all others will prove vain and fruitless, and (like all deceitful Securities against certain Dangers) will rather expose your Majesty's Person to the greatest Hazard, and the People, together with all that's valuable to them, as Men or Christians, to utter Ruine and Destruction. We have taken this Occasion of Access to your Majesty's Royal Presence, humbly to lay before your Majesty's great Judgment and gracious Consideration, this most dreadful Design of introducing Popery, and, as necessary Consequences of it, all other Calamities into your Majesty's Kingdoms. And if after all this the private Suggestions of the subtle Accomplices of that Party and Design should yet prevail, either to elude or totally obstruct the faithful Endeavours of us your Commons, for an happy Settlement of this Kingdom, we shall have this remaining Comfort, That we have freed our selves from the Guilt of that Blood and Desolation which is like to ensue. But our only Hope, next under God, is in your Sa-

cred

cred Majesty, That by your great Wisdom and Goodness, we may be effectually Secured from Popery, and all the Evils that attend it; and that none but Persons of known Fidelity to your Majesty, and sincere Affection to the Protestant Religion, may be put into any Employment, Civil or Military; that whilst we shall give a Supply to Tangier, we may be assured we do not augment the Strength of our Popish Adversaries, nor encrease our own Dangers. Which Desires of your faithful Commons if your Majesty shall vouchsafe to grant, we shall not only be ready to assist your Majesty in Defence of Tangier, but do whatsoever else shall be in our Power, to enable your Majesty to protect the Protestant Religion at Home and Abroad, and to resist and repel the Attempts of your Majesty's and the Kingdom's Enemies.

The 13th of November, 1680.

After several other Arguments offered *pro* and *con* upon the Bill of Exclusion, which were to the same Purpose as before-mention'd, at last the Bill being proposed by Majority of Votes, was carried in the Affirmative, and was sent to the House of Lords, where it being read, the Question was put, whether it should be read a second time, it was resolv'd in the Negative by above a double Majority of Votes; so it was thrown out and came to no Effect; and soon after, *viz.* Jan. the 10th of this Year, the Usher of the Black Rod came into the House of Commons, to command their Attendance on the King in the House of Lords, which was no sooner done but they were prorogued to the 20th of January, and were upon the 18th dissolv'd; though the Commons had, in the Morning of the same Day in which they were prorogued, resolv'd, That whoever advised the King to a Prorogation or a Dissolution of the Parliament, to any Purpose than in order to the Passing of a Bill for the Exclusion of James, Duke of York, was a Betrayer of the King, the Protestant Religion, and the Kingdom of England, a Promoter of the French Interest, and a Pensioner of France: But all avail'd nothing, both prorogued and dissolved they were, and another summon'd to meet on the 21st of March following at Oxford: Hereupon several of the Lords petition'd the King against the Meeting of the Parliament there, setting forth the ill Consequences thereof, as, That neither Lords

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*ner Commons could be in Safety there, but exposed to the Swords of the Papists and their Adherents, as also the Remoteness of the Place would be a Discouragement to the Evidence against the Popish Plot, and such Judges and others whom the Commons had Impeach'd, or had resolved to Impeach, could neither bear the Charge of going thither, nor trust themselves under the Protection of the Parliament, that would be it self in that Place under the Power of Guards and Soldiers.*

Parlia-  
ment  
meet at  
Oxford.

But for all the Petition, and the Validity of the Arguments therein, the King stood firm to his Resolution, and at the Time appointed the Parliament met at Oxford; the Members of the Commons were generally the same as the last Parliament, and those that were not so, yet were for the same Interest as the others had been, so that they harp'd upon the same String as the Members of the last had done, *viz. the Bill of Exclusion*, but had not Time to bring it to Perfection: For they were permitted to sit but Seven Days; for on Monday Morning, the 27th of the same Month, the King came suddenly and unexpectedly into the House of Peers, and dissolved the Parliament, to their no small Amazement, as well as the whole City of Oxford.

Dissolved.

Now it is time to leave these remote Things, and return to the Duke, and to follow his Person a little closer, who was now constituted High-Commissioner, and sent for Scotland, to be present at the Sitting of the Parliament there, for the better Settlement of that Nation's Affairs: About the Beginning of July, the Duke (having arriv'd in Scotland some time before) went into the Council, where his Commission being read with profound Reverence, he took his Place of High Commissioner in Council, with all the usual Ceremonies, and upon his Return to the Palace, had his Commission carried before him in a little Bag, attended by the Lords of the Council, and other Nobles, in a very ample Manner.

Parlia-

ment met  
in Scotland

On the 28th of July, the Parliament being assembled, the Duke took his Place under a Cloth of Estate, and made a Speech, exhorting them, without Delay, to study all effectual Means for the Settlement of the Affairs of that Kingdom: Hereupon a Committee for the Articles of Religion was constituted, the Earl of Argyle being one of the Lords of the Articles, was also one of the Committee appointed by the Duke; but the Com-

mittee



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mittee preparing an Act for the Security of the Protestant Religion; which approved the Confession of Faith; as also the Act containing the Coronation Oath, to be taken by all the Kings and Regents in *Scotland* before their Entry to exercise their Government: These Acts being not grateful to the Duke's Palate, the Committee was discharged from ever meeting again. At last an Act for the Security of the Protestant Religion, to which a Test was adjoined, was passed. This Act and others, made in this Parliament, were thought by some less binding than what were in Force before; therefore the Earl of *Argile*, seconded by Sir *George Lockart*, and the President of the Sessions, proposed, *That all Acts against Popery might be added*; which, though proposed by the King's Advocate, and some of the Clergy, yet it passed without a Vote; hereupon many Members, out of Jealousie of the Invalidity of these Acts passed, desired other Additions and Acts, for the more firm Security of the *Protestant Religion*, which the Duke in open Parliament promised, when Time and Opportunity offered; but when at any Time that was proposed, the Test was obtruded.

Here the Duke brought in a Bill that passed into an Act, entituled, *An Act asserting the Right of Succession to the Imperial Crown of that Kingdom*; wherein it was High-Treason to affirm, *That the Succession of the Crown of Scotland could be altered from the next of Proximity of Blood*; which was succeeded by the Test, to be taken by all Persons in Publick Employments. Here the Earl of *Argile* incurr'd the Duke's Displeasure, by putting his own Sense and Interpretation upon the Test, before he took it; but it will not be improper to insert the Test it self in this Place.

I Solemnly swear in the Presence of the Eternal God, The Scotch  
whom I invoke as Judge and Witness, of the sincere Intention of this Oath, that I own and sincerely profess the true *Protestant Religion*, contained in the Confession of Faith recorded in the first Parliament of King *James VI.* and that I believe the same to be founded on and agreeable to the written Word of God, and I promise and swear, that I shall adhere thereunto, during the Days of my Life-time, and shall endeavour to educate my Children therein, and shall never consent to any Change or Alteration contrary there-  
Test.

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' to, and inconsistent with the *Protestant Religion* and  
 ' Confession of Faith: And for Testification of my O-  
 ' bedience to my most gracious Sovereign *Charles II.* I  
 ' do affirm and swear by this my solemn Oath, that the  
 ' King's Majesty is the only supream Governour of this  
 ' Realm, over all Persons, and in all Causes, as well Ec-  
 ' clesiastical as Civil, and that no Foreign Prince, Per-  
 ' son, Pope, Prelate, State or Potentate, hath or ought  
 ' to have any Jurisdiction, Power, Superiorities and  
 ' Authorities here; and do promise, that for henceforth  
 ' I shall bear Faith and true Obedience to the King's  
 ' Majesty, his Heirs and lawful Successors; and to my  
 ' Power shall assist and defend all Rights, Jurisdctions,  
 ' Prerogatives, Privileges, Perferments and Authorities  
 ' belonging to the King's Majesty, his Heirs and lawful  
 ' Successors. And I further affirm and swear by this my  
 ' solemn Oath, that I judge it unlawful for Subjects,  
 ' upon Pretence of Reformation, or any other Pretence  
 ' whatsoever, to enter into Covenants or Leagues, or  
 ' to convocate, convene or assemble in any Councils,  
 ' Conventions or Assemblies, to treat, consult or deter-  
 ' mine in any Matter of State, Civil or Ecclesiastical,  
 ' without his Majesty's special Command, or expresse  
 ' License thereto; or to take up Arms against the King,  
 ' or those commissioned by him. And that I shall ne-  
 ' ver so rise in Arms, or enter into such Covenants or  
 ' Assemblies: And that there lies no Obligation on me  
 ' from the *National Covenant* (commonly so called) or  
 ' any other Manner or Way whatsoever, to endeavour  
 ' any Change or Alteration in the Government, either  
 ' in Church or State, as it is now established by the  
 ' Laws of this Kingdom. And I promise and swear,  
 ' that I shall with my utmost Power, defend, assist and  
 ' maintain his Majesty's Jurisdiction aforesaid, against all  
 ' deadly --- And I shall never decline his Majesty's  
 ' Power and Jurisdiction, as I shall answer to God. And  
 ' finally, I affirm and swear, that this my solemn Oath  
 ' is given in the plain genuine Sense and Meaning of  
 ' the Words, without any Equivocation, mental Refer-  
 ' vation, or any manner of Evasion whatsoever: And  
 ' that I shall not accept, or use any Dispensation from  
 ' any Creature whatsoever.

*So help me God.*

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This Test was to be taken by all that held any Places of Trust or Profits under the King, in the Kingdom of Scotland; which the Earl of Argyle, after many Scruples and Contests, took on the 12th of November, as a Privy-Councillor, having Liberty to make his Explication on it before. The next Day, when he was to take it, as a Commissioner of the Treasury, he produced the Paper, according to the Duke's Command, varying the Sense (as many had done the same before him) in which he took the Test the preceding Day, and in which he would take the same, as a Commissioner of the Treasury: But upon Consideration of his Explication, it was resolved by the Council, That he could not sit in Council, he not having taken the Test in the Sense and Meaning of the Act of Parliament, and therefore was removed.


For the Reader's Satisfaction, I will here insert the Earl's Explanation, and leave it to his Candour to judge, whether it deserved the Judgment that was pronounced afterwards against him for the same.

*I have consider'd the Test, and I am very desirous to give E. of Ar- Obedience as far as I can. I am confident the Parliament gile's Ex- never intended to impose contradictory Oaths: Therefore I planation think no Man can explain it, but for himself. Accordingly of the I take it, as far as it is consistent with it self and the Pro-Test. testant Religion. And I do declare, That I mean not to bind up my self in my Station, and in a lawful Way, to wish and endeavour any Alteration, I think to the Advantage of Church or State, not repugnant to the Protestant Religion, and my Loyalty. And this I understand as a Part of my Oath.*

The Explanation being taken into the Councils Consideration, they put many false Glosses and sinister Interpretations upon it, as may be read at large in the Earl's Case.

So that upon Tuesday, the 8th Day of November, a Council was called, without calling the Earl to it, and an Order was sent by one of the Clerks of the Council to the Earl; That before Twelve of the Clock the next Day, he should enter himself a Prisoner in the Castle of Edinburgh, and a Warrant was sent to the Deputy-Governour to keep him Prisoner. At the Receipt of the Order, the Earl, depending on his Integrity, went in a Hack-



1681.  ney-Coach and surrendred himself Prisoner. Some Days after his Confinement, he wrote a Letter to the Duke, acquainting him how he had obeyed his Highness and the Councils Order, in surrendring himself Prisoner, and how that he wrote no sooner, lest he might be thought impatient of Imprisonment, which appeared to be the Effects of his Highness's Displeasure, which he hoped he no ways deserved, and was resolved to continue all Duty and Obedience to his Majesty and Highness, and begged to know what Satisfaction was expected, where, and how he might live in his Highness's Favour. There was no Answer made to his Letter, but soon after out came a Summons, charging the Earl with leasing-making, and depraving of Laws, and afterwards another, charging him with *Perjury* and *Treason*.

On the 8th of *November*, being that same Day that the Council ordered the Earl to surrender himself Prisoner, the Council dispatched an Account thereof to the King, in a Letter, which is as followeth.

*May it please your Sacred Majesty,*  
 S. Coun- 'THE last Parliament having made so many and so  
 cils Let- 'advantageous Acts, for securing the *Protestant Re-*  
 ter to the 'ligion, the Imperial Crown of this Kingdom, and  
 King a- 'your Majesty's Sacred Person (whom God Almighty  
 bout the 'long preserve :) And having for the last, and as the  
 Earl of 'best Way for securing all these, appointed a Test to  
 Argile. 'be taken by all who should be entrusted with the Go-  
 'vernment, which bears expressly, that the same should  
 'be taken in the plain and genuine Sense and Meaning  
 'of the Words; we were very careful not to suffer  
 'any to take the said Oath or Test, with their own  
 'Glosses or Explications: But the Earl of *Argile* ha-  
 'ving, after some Delays, come to Council to take the  
 'said Oath, as a Privy-Councillor, spoke some Things  
 'which were not then heard nor adverted to, his Lord-  
 'ship at his next offering to take it in Council, as one  
 'of the Commissioners of your Majesty's Treasury,  
 'was commanded to take it simply: He refused to do  
 'so, but gave in a Paper, shewing the only Sense in  
 'which he would take it; which Paper we all consi-  
 'dered, as that which had in it gross and scandalous  
 'Reflections upon that excellent Act of Parliament,  
 'making it contain Things contradictory and incon-  
 'sistent;

‘ sistent ; and thereby depraving your Majesty’s Laws, 1681.  
 ‘ misrepresenting your Parliament, and teaching your  
 ‘ Subjects to vacate and disappoint all Laws and Se-  
 ‘ curities that can be enacted for the Preservation of  
 ‘ the Government ; suitable to which, his Lordship  
 ‘ declares in that Paper, *That he means not to bind up*  
 ‘ *himself from making any Alterations he shall think fit, for*  
 ‘ *the Advantage of Church or State ;* and which Paper  
 ‘ he desires may be looked upon as a part of his Oath ;  
 ‘ as if he were the Legislator, and able to add a part  
 ‘ to the Act of Parliament. Upon serious Perusal of  
 ‘ which Paper, we found our selves obliged to send the  
 ‘ said Earl to the Castle of *Edenburgh*, and to transmit  
 ‘ the Paper to your Majesty, being expressly obliged to  
 ‘ both these by your Majesty’s Advocate, to cause a  
 ‘ Pursuit against the said Earl, for being Author, and  
 ‘ having given in the said Paper. And for the fur-  
 ‘ ther Prosecution of all relating to this Affair, we ex-  
 ‘ pect your Majesty’s Commands, which shall be hum-  
 ‘ bly and faithfully obeyed by

*Your Majesty’s most Humble,*

*most Faithful, and most Obedient*

Edenburgh,  
 Nov. 8. 1681.

*Subjects and Servants,*

*Sic Subscribitur, Glencairne, Wintonne,  
 Linlithgow, Perth, Roxburgh, Ancram,  
 Airlie, Levingstoun, Jo. Edinburgen,  
 Ross, Geo. Gordoun, Ch. Maitland,  
 Geo. Meckenzie, Ja. Foulis, J. Drumond.*

The King’s Answer to the Councils Letter, ran  
 thus.

C. R.

Nov. 15. 1681.

**M**OST Dear, &c. having in one of your Letters directed King’s  
 unto us, of the 8th Instant, received a particular Ac- Answer.  
 count of the Earl of Argile’s refusing to take the Test  
 simply, and of your Proceedings against him, upon the Occa-  
 sion of his giving in a Paper, shewing the only Sense in  
 which

1681. *which he will take it; which had in it gross and scandalous Reflections upon that excellent late Act of Parliament there, by which the said Test was enjoined to be taken; we have now thought fit to let you know, that as we do hereby approve these your Proceedings, particularly your sending the said Earl to our Castle of Edinburgh, and your commanding our Advocate to raise a Pursuit against him, for being Author of, and for having given in the said Paper; so we do also authorize you to do all Things that may concern the further Prosecution of all relating to this Affair. Nevertheless, it is our express Will and Pleasure, that before any Sentence shall be pronounced against him, at the Conclusion of the Process, you send a particular Account of what he shall be found guilty of; to the end, that after our being fully informed thereof, we may signify our further Pleasure in this Matter. For doing whereof, &c.*

In the mean while, the Earl petition'd the Duke and Council, that Sir George Lockhart might be his Advocate to plead his Defence, which was not thought adviseable to grant him. However, the Earl drew up a Letter of Attorney, constituting Alexander Dunbar to require Sir George Lockhart to plead for him. When the News hereof came to the Duke's Ears, it is affirm'd he should say, *He should never plead for him and the King hereafter.*

On the 12th of December, the Earl was brought by a Guard of Soldiers before the Justice-Court, where the Earl of Queensbury was Chief Justice-General, and the Lords Narin, Collingtown, Newtown and Kirkhou, Lords-Judicatory, sitting in Judgment.

After the Indictment was read, the Earl in his own Defence made the following Speech, which comprehending a short pathetical History of his and Loyalty from his Cradle to this Time, it will not be improper to transmit it to Posterity.

*My Lord Justice-General, &c.*

Earl of  
Argyle's  
Speech  
at his  
Tryal.

*I Look upon it as the undeniable Privilege of the meanest Subject, to explain his own Words in the most benign Sense: And even when Persons are under an ill Character, the Misconstruction of Words in themselves not ill, can only reach a Presumption or Aggravation, but not any more.*

*But*



‘But it’s strange to alledge, as well as, I hope, impossible, to make any that know me believe, that I could intend any thing but what was honest and honourable, suitable to the Principles of my Religion and Loyalty, tho’ I did not explain my self at all.

‘My Lord, pray you be not offended, that I take up a little of your Time to tell you, I have from my Youth made it my Business to serve his Majesty faithfully, and have constantly, to my Power, appear’d in his Service, especially in all Times of Difficulty, and have never joined nor complied with any Interest or Party, contrary to his Majesty’s Authority; and have all along served him in his own Way, without a Frown from his Majesty, these Thirty Years.

‘As soon as I passed the Schools and Colleges, I went to travel to *France* and *Italy*, and was abroad 1647, 1647, and till the End of 1649.

‘My first Appearance in the World was to serve his Majesty, as Colonel of his Foot-Guards. And tho’ at that Time all the Commissions were given by the then Parliament, yet I would not serve without a Commission from his Majesty, which I have still the Honour to have by me.

‘After the Misfortune of *Worcester*, I continued in Arms for his Majesty’s Service, when *Scotland* was over-run with the Usurpers, and was alone with my Friends in Arms in the Year 1652, and did then keep up some Appearance of Opposition to them. And General-Major *Dean* coming to *Argile-shire*, and planting several Garrisons, he no sooner went away, but we fell upon the Garrisons he had left, and in one Day took Two of them, and cut off a considerable part of a Third, and carried away in all about 300 Prisoners. And in the End of the Year, I sent Captain *Shaw* to his Majesty, with my humble Opinion how the War might be carried on; who return’d to me with Instructions and Orders, which I have yet lying by me.

‘After which, I joined with those his Majesty did commissionate, and stood out till the last, that the Earl of *Middleton*, his Majesty’s Lieutenant-General, gave me Orders to capitulate, which I did without any other Engagement to the Rebels, but to live peaceably: And did at my Capitulating relieve several Prisoners by Exchange, whereof my Lord *Granard* out of the Castle of *Edenburgh*, was one.

‘It

1681.

‘ It is notarly known, that I was forefaulted by the  
 ‘ Usurpers, who were so jealous of me, that, contrary  
 ‘ to their Faith, within Eight Months after my Capitu-  
 ‘ lation, upon Pretence I kept Horses above the Value  
 ‘ they rear’d on me, I was kept in one Prison after a-  
 ‘ nother till his Majesty’s happy Restoration: And this  
 ‘ only because I would not engage not to serve his Ma-  
 ‘ jesty, tho’ there was no Oath required.

‘ I do with all Gratitude acknowledge his Majesty’s  
 ‘ Goodness, Bounty, and Royal Favours to me, when  
 ‘ I was pursued before the Parliament in the Year 1662.  
 ‘ His Majesty was graciously pleased not to send me  
 ‘ here in any opprobrious Way, but upon a bare verbal  
 ‘ Parol. Upon which I came down Post, and present-  
 ‘ ed my self a Fortnight before the Day. And having  
 ‘ satisfied his Majesty at that time of my entire Loyal-  
 ‘ ty, I did not offer to plead by Advocates. And his  
 ‘ Majesty was not only pleased to pardon my Life,  
 ‘ and to restore me to a Title and Fortune, but to put  
 ‘ me in Trust in his Service, in the most eminent Judi-  
 ‘ catories of this Kingdom, and to heap Favours up-  
 ‘ on me, far beyond whatever I did or can deserve;  
 ‘ though, I hope, his Majesty hath always found me  
 ‘ faithful and thankful, and ready to bestow all I have,  
 ‘ or can have, for his Service. And, I hope, never  
 ‘ hath, nor never shall have Ground to repent any Fa-  
 ‘ vour he hath done me. And if I were now really  
 ‘ guilty of the Crimes libelled, I should think my self a  
 ‘ great Villain.

‘ The next Occasion I had to shew my particular  
 ‘ Zeal to his Majesty’s Service, was in *An.* 1666, when  
 ‘ the Rebellion brake out that was repress’d at *Pentle-*  
 ‘ *land-Hills*. At the very first, the Intercourse betwixt  
 ‘ this Place and me was stopt; so that I had neither  
 ‘ Intelligence nor Orders from the Council, nor from  
 ‘ the General; but upon a Letter from the now Arch-  
 ‘ bishop of *St. Andrews*, telling me, *There was a Rebellion*  
 ‘ *like to be in the Three Kingdoms, and bidding me beware*  
 ‘ *of Ireland and Kintyre*, I brought together about Two  
 ‘ Thousand Men: I rais’d all the Gentlemen in *Kin-*  
 ‘ *tyre* that had not taken the Declaration, tho’ I found  
 ‘ them peaceable. And I sent a Gentleman to General  
 ‘ *Dalyel*, to receive his Orders, who came to him just as  
 ‘ they were going to the Action, and was with him in  
 ‘ it; and I kept my Men together till his return. And  
 ‘ when

when I met with considerable Trouble from my Neighbours, rebelliously in Arms, and had Commissions both on publick and private Accounts, have I not carried it dutifully to his Majesty, and done what was commanded with a just Moderation; which I can prove under the Hands of my Enemies, and by many Demonstrations?

Pardon me a few Words: Did I not in this present Parliament shew my Readiness to serve his Majesty and the Royal Family, in asserting vigorously the Lineal legal Succession of the Crown; and had a Care to have it exprest in the Commissions of the Shires and Burghs I had Interest in? Was I not for offering proper Supplies to his Majesty and his Successor? And did I not concur to bind the Landlords for their Tenants, although I was mainly concerned? And have I not always kept my Tenants in Obedience to his Majesty?

I say all this, not to arrogate any thing for doing what was my Honour and Duty to his Majesty; but, if after all this, upon no other Ground but Words that were spoken in absolute Innocency, and without the least Design, except for clearing my Conscience, and that are not capable of the ill Sense wrested from them by the Libel, I should be further troubled, what Assurance can any of the greatest Quality, Trust or Innocence have, that they are secure; especially considering, that so many Scruples have been started, as all know, not only by many of the Orthodox Clergy, but by whole Presbyters, Synods, and some Bishops which were thought so considerable, that an eminent Bishop took the Pains to write a Treatise, that was read over in Council, and allowed to be printed, and a Copy given to me, which contains all the Expressions I am charged for, and many more that may be stretched to a worse Sense?

Have I not shewed my Zeal to all the Ends of the Test? How then can it be imagined, that I have any sinister Design in any thing that I have said? If I had done any thing contrary to it all the Course of my Life, which, I hope, shall not be found; yet one Act might pretend to be excused by a Habit. But nothing being questioned, but the Sense of Words misconstrued to the greatest Height, and stretched to imaginary Insinuations, quite contrary to my Scope and

De-



1681. *Design; and so far contrary not only to my own Sense, but my Principles, Interest, and Duty, that I hope my Lord Advocate will think he hath gone too far in this Process, and say plainly what he knows to be Truth, by his Acquaintance with me, both in publick and private, viz. That I am neither Papist nor Phanatick, but truly Loyal in my Principles and Practices.*

*The Hearing this Libel would trouble me beyond most of the Sufferings of my Life, if my Innocence did not support me, and the Hopes of being vindicated of this and other Calumnies, before this Publick and Noble Auditory.*

*I leave my Defences to these Gentlemen that plead for me, they know my Innocence, and how groundless that Libel is.*

*I shall only say, as my Life hath most of it been spent in Serving and Suffering for his Majesty, so whatever be the Event of this Process, I resolve, while I breathe, to be Loyal and Faithful to his Majesty. And whether I live Publickly or in Obscurity, my Head, my Heart, nor my Hand, shall never be wanting where I can be useful to his Majesty's Service. And while I live, and when I die, I shall pray, that God Almighty would bless his Majesty with a long, happy, and prosperous Reign; and that Lineal legal Successors of the Crown, may continue Monarchs of all his Majesty's Dominions, and be Defenders of the true Primitive, Christian, Apostolick, Catholick, Protestant Religion, while Sun and Moon endure.*

GOD save the KING.

All this Time several Letters from General Middleton and the Earl of Glencarn were read, testifying the Earl's Loyalty and Services to the King, but it signified nothing, he was put upon his Tryal, and the Treasons charged against him were reduced or augmented (which you please) to these Six Heads, *viz. That the Earl insinuated, when he said, I have considered the Test, and am desirous to give Obedience to it as far as I can; That he was not able to give full Obedience. 2. That he was confident the Parliament never intended Contradictory Oaths. He meant thereby, that the Parliament did impose Contradictory Oaths. 3. That every Man must explain for himself, and take it in his own Sense; thereby that excellent*

Law

Law lost its Obligations. 4. That he took the Test as far as it was consistent with its self and the Protestant Religion; which Explication depraved the Test, and misrepresented the King and Parliament's Proceedings in the highest Degree. 5. That he did not mean by taking the Test, to bind up himself from wishing and endeavouring any Alteration, in a lawful Way, which he shall think fit for advancing the Church and State; where by his Example, he invited others to be loose from the Test, to make Alterations. 6. That he understood this as part of his Oath; which was a Treasonable Invasion upon the Legislative Power, as if it were lawful for him to make to himself an Act of Parliament.

To these Treasonable Positions, *Argile's* Council Arguments upon the Earl's Tryal. (which he had allow'd at last) viz. *George Lockhart* and *Sir John Dalrymbles*, answered, That the Earl having before always dutifully and loyally behaved himself to the King, his Words and Intentions ought to be interpreted in the best Sense, and in his Favour. 2. That the Act against Leasing-making, and depraving the King's Laws, were for plain Words and Speeches, tending to make Discords between the King and People, and were never intended against a Person in Judicature, required to give the true Sense of a Law to the best of his Skill and Conscience; and that it should be strange in such a Case, that this should be a Crime, if one Man differ from another; whereas oftentimes not only learned Lawyers, but the Judges themselves differ, about the Interpretation of Laws. 3. That the Act of Parliament does not impose the Test generally, but as a Qualification for those who shall bear a publick Office; and therefore 'tis just and commendable in any Person, who has a Scruple of Conscience upon him, to declare his Meaning in taking of it, how he understands it; it matters not whether he errs or not, for, *Conscientia etiam erronea obligat*, especially where a Man's Conscience is opposite to his Interest, as in this Case, to lose his Preferment; nor was this any Reflection by the Earl upon the Act of Parliament, nor their Prudence in imposing the Test. Tho' the Earl could not take the Test otherwise than he explained it, yet by that Act there was no greater Penalty than that *Haberetur pro Recusante*, he should not hold his Place of Trust. (For the better apprehending this Argumentation, the Reader is to observe, that the Test was not to be imposed upon

1681. upon any but those that bare Offices, and the Earl offer'd to lay down all his Offices before, but was denied.) 5. That the Council allowed the Earl's Explanation, by bidding him take his Place (which the Duke did the first Day the Earl took the Test) after he had made his Explication. 6. The Earl's Explanation could not be Treasonable, *viz. Animo defamandi*, whereas he made it only to the Council, when required; whereas some Bishops, whole Presbyteries, and Synods, had made Explanations of the Test, and, in down-right Terms, charge it with Inconsistencies and Contradictions, and these allow'd to be printed before the Earl made his; and even the Council themselves had made an Explication of it, before the Earl was tryed, tho' the Parliament was then in being, and this made publick. 7. That the Earl, by making his Explanation, has assumed a Legislative Power: To which it was answer'd, The Legislative Power extends to all, but the Earl's Explanation refers only to himself, how he understood he might take the Test; and this was done without any Diminution to the Legislative Power, of making or interpreting Laws: And if the Legislative Power be not satisfied, it cannot extend any farther, than that the Earl will be a Refuser of the Oath, which is neither Treason nor Perjury, as was charged upon the Earl.

Farther, That as the Earl was ready to give Obedience as far as he could, it did not import that the Parliament had imposed an unlawful Oath: For here was no Impeachment of the Justice or Prudence of the Law-giver, nor can any Law be so plain, especially Affirmative Laws, as this is, that every Man shall understand it alike, and if one Man declares one Sense of it, and another otherwise, how does this become Treason in one or the other, or import the Injustice or Illegality of the Law? 9. That the Earl was confident the Parliament never intended Contradictory Oaths; which was so far from being Treason, that, considering the plain down-right Objections spread abroad, of the Inconsistencies and Contradictions of the Test, it was an high Vindication of the Parliament. 10. He thinks no Body can explain it but for himself. Which having no Reference to any other, this cannot be taken for any Diminution of the Parliamentary Authority, or depraving of the Law. 11. That he takes it



so far as it is consistent with it self, and the Protestant Religion; if this be a Crime, the Earl is neither the Beginner nor the Promoter of it; for the Earl said this only for himself, and was positive in it, being required by the Council to make this Explanation, and if they divulged it, it was their Fault. 12. That he did not bind up himself in his Station, and in a lawful Way not to wish and endeavour any Alteration; he thinks, to the Advantage of the Church and State, not repugnant to the Protestant Religion and his Loyalty. This has Reference to the Earl in his Station, as he is a Peer of *Scotland*, who has not only a Right in Parliament to debate freely of any Law in being, but is a Member which has a Legislative Right and Vote to repeal, as well as make Laws; and herein can no more bind up himself, than one Act of Parliament can bind up another Parliament.

Here Sir *George Mackensy*, the King's Advocate, made a long Discourse, to make good the Indictment against the Earl, alledging, That this excellent Law the Test was established in Opposition to the jugling Covenant; purposely to prevent Evasions and mental Reservations: And that no Law was of a private Interpretation, and if it were, Men should be loose from all Obedience to all Law; and concluded, That there was no Force upon the Earl to take the Oath, but that he took it for his own Advantage.

I cannot but take Notice here of this last Allegation, *That the Earl was left at Liberty to chuse whether he would take the Oath or no.* This is altogether inconsistent with the Truth and Matter of Fact (as was confidently affirmed by those of the Duke's Party) for though the Oath was not to be imposed by Act of Parliament till the 1st of *January*, yet the Duke, in the Beginning of *November* before, had ordered to summon the Earl to the Council the next Day, and, with much ado, the Earl obtain'd a Delay but till the next Council-Day, which was of Course the 3d of the same Month. Farther, the Test was not to be imposed on any but those who bore Office (as it was argued by the Advocates) and the Earl was desirous (as is said) to have laid down all his Offices before he took the Test, yet it was denied him. However, after several Argumentations and Pleadings on both Sides, for and against the Earl, on the 13th of *December*, the Jury, the Marquess of *Mon-*

1681. *trofs* being Fore-man, found with one Voice the Earl guilty of Treason, Leasing-making and Leasing-telling; but after a Plurality of Votes (after they were sure his Life was gone) found him innocent and not guilty of Perjury. The next Day the Council gave Notice to the King, that the Earl, after a fair Trial (as they said) was found guilty, and expected his Majesty's further Pleasure, so as to pronounce a Sentence upon him, and animadverted the King, *That it was most fit to his Majesty's Service, and the Advantage of the Crown, to have a Sentence pronounced.* The King sent them an Answer with all Speed, That it might be pronounced; but that the Execution thereof might be delay'd till his further Pleasure. Yet Mr. Coke observes, that the very same Day, *viz. Dec. the 14th*, that the Council sent to the King the Earl's Sentence, it was past upon him. The Earl to make a Trial of all Means, under his deplorable Circumstances, on the 15th sent a Friend to the Duke, humbly intreating that the Earl might speak with him: The Duke resented the Message so passionately, that he said; *It was not ordinary to speak with Criminals, except with Rogues on some Plot, where Discoveries might be expected.* Then he petitioned the Duke, that he might be permitted to send a Petition to the King; which was deny'd him.

Things being brought to this lamentable pass, the Earl understanding that new Orders were given, that the Castle-Guards were to be doubled, and none to pass without shewing their Faces. Before these Orders were put in Execution, he, by changing Cloaths with his Daughter, made his Escape out of the Castle, and got safe into *Holland*. It was then confidently reported, that some of the Council did thereupon eagerly move, that his Daughter might be punished with the utmost Severity for it, and would have her whipt through *Edinburgh*; but that his Highness answer'd, *They were not wont to be so cruel to Ladies in his Country*; and so the Matter ceased. Therefore we will leave it and the distressed Earl at present in his Exile, though, before the Conclusion of this History, we will have Occasion to return to him again, and follow him to his last unfortunate *Exit*; but here we will not forget, that after the Earl's Escape, the Lords of the Assizes, upon the 23d of this Month, pronounced the Earl guilty of Crimes of Treason, Leasing-making, and Leasing-telling; for which

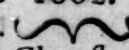
Makes his  
Escape.

which being detain'd in the Castle of *Edenburgh*, out of which, since the Verdict, having made his Escape, therefore they adjudged the said Earl to be executed to Death, and his Name, Memory and Honours to be extinct, and his Arms to be riven forth, and delete out of the Book of Arms, that his Posterity might never have Place, nor be able hereafter to bruik or joyse any Honour, Offices, Titles, Dignities. within this Realm, in Time coming, and to have forfeited all his Lands and Tenements.

The Duke having staid in *Scotland* the most part of the Winter, about the Middle of *March*, Notice was given him by Mr. *Griffin*, who was sent for that Purpose by the King, of the Death of the Princess *Isabella*; whereupon the Duke returned for *England*, leaving his Dutcheß behind him at *Edenburgh*. After his Arrival, he posted to *New-Market*, to wait upon the King, and after a short Continuance there, the King and Duke returned to *Whitehall*, whither the next Morning repaired the Lord Mayor and Aldermen, to wait upon the King, and by his Permission, congratulated the Duke's happy Arrival; but the Duke on the 3d of *May* (after he had taken his Leave from the King and Queen) with some Retinue, came from *Windsor* to *Purney*, where he entred his Barge, and passing down the River went on Board his Majesty's Yachts, who fell down to *Margaret Road*, where the following Day, *viz.* *Thursday* the 4th of *May*, the Duke went on Board the *Gloucester* Returns (in order for his Return to *Scotland*, to his Dutcheß there) about Nine of the Clock in the Morning, and being Saluted by the Ships (according to Custom) that attended upon him, *viz.* the *Happy Return*, the *Ruby*, the *Pearl*, and the *Dartmouth*, they lay by, driving off till Eleven of the Clock (to dispose of the Duke's Goods and Retinue) and then made Sail, the Wind at South. In the Afternoon the Wind changed several times, and at Half an Hour past Eight at Night, they came to an Anchor, the *Nase-Land* bearing W. by N. 9 Leagues off. About 8 of the Clock on *Friday* Morning they weighed, the Wind standing then at E. N. E. and made a small Trip to the South-East, and at Nine a-Clock tack'd, having 25 Fathom Water, and stood away N. N. and by E. Thus they sailed till about Half an Hour past One in the Afternoon, the Steeples of *Dunnage* bore W. and by N. 3 Leagues off, the Ships



1682. lay at N. and by E. the Tide of Flood against them, and at Eight of the Clock in the Evening they descry'd the *Lastafe*, and bore W. N. W. 2 Leagues off, the Wind at East a fresh Gale. The Yacht being by this time A-head and to Windward, bore up to them. Here the Duke, apprehensive of some Danger, called to Captain *Gunman*, and Capt. *Saunders*, and demanded their Opinion, whether that Course would, without tacking to the Southward, carry them to Windward of the *Newark* and Sands without *Tarmouth*? The Captains were of Opinion, That the Course was hazardous, and the Sands could hardly be weathered; that it was the most advisable and the safest Way to stand off, or else they could not weather the Sands; but Capt. *Ayres* their Pilot, counted at that time the ablest One to Northward, said, *That he could weather the Sands*, and was much dissatisfied that any one should mistrust his Judgment; but the Duke fearing the Danger, said, *It would be a secure Way to tack and stand off till about Twelve of the Clock at Night, and then they should have Room enough to weather the Sands*: To which the Pilot (though very much against his Will and Judgment) was obliged to agree; then they tack'd and stood away S. E. having a Windward Tide under them. At Half an Hour past Nine, the Pilot with great Urgency desired to tack again, but his Royal Highness was still of Opinion to stand off longer, giving no other Reason than *stat pro Ratione Voluntas*. The Pilot a little disturb'd hereat, answer'd, *That he would engage his Life, that if they took hold of the present Opportunity, and tack'd presently, they should without the least Danger and Hazard, weather all the Sands, urging, that the Effects of Delays were dangerous*: But notwithstanding his Arguments, the Duke commanded him to stand off a Glas longer: At Ten a-Clock they tack'd and stood close haled N. and by E. and N. N. E. which Course in some measure weather'd the *Newark* Sands; the Wind very strong at East, they continued the same. They steer'd all Night N. N. E. till Two of the Clock the next Morning, the Wind being at West, then they steer'd North, and at Four of the Clock N. N. W. thinking that this Course would carry the Ships out of all Danger, and that they were past the *Lemmon* and *Oar*; but to their great Danger and Prejudice, it proved otherwise; for about Half an Hour past Five on Sunday Morning, they ran a-ground on the

the West Point of the *Lemmon*, having just before 1682. founded, and had 20 Fathom Water. The Ship (*viz.*  the *Gloucester*, in which the Duke was) beat along the *Gloucester* Sand, not sitting fast, while the Rudder held they bore runs a- away West, and upon every Lift of the Sea went off; ground. at last a terrible Blow struck off the Rudder, and as was believed, struck out a Plank nigh the Post, which made Eight Foot Water in a Moment; upon which fatal Accident the Commander, Sir *John Berry*, left no Means unattempted, by putting all the Pumps to work to bring it off, but all to no Purpose, for the Water increasing, and no manner of Hopes being left, the Barge was hoisted out, and the Duke with all Expedition, having taken some Persons of Quality with him in the Boat, rowed away to the Yachts. But here I cannot pass by in Silence, that several Persons being Passengers, besides Common Seamen, committed themselves to the Sea, and those that could Swim made up to the Boat where the Duke was, and grappled on the Sides thereof, endeavouring to get into it, (but whether it was barbarous or justifiable, under such Circumstances, I will leave the Reader to judge) their Hands were ordered to be cut off as they strove to get into the Boat, grappling on the Sides thereof; and thereby they were deprived not only of getting into the Boats that came to their Assistance from the other Ships, but also of the Ability of Swimming.

Duke like  
to be cast  
away.

After the Duke got safe into the *Mary* Yacht, the rest of the Yachts had Orders to Anchor, and to send off their Boats, as did likewise the *Happy Return*, the other Three Frigats in the Storm having lost Company, but it was too late; for by this time the *Gloucester* was ready to sink, and all the Seamen in her, her Head being cast about to the S. W. and by W. and the Water increasing as high as the Gun-Deck; however, the the Lifting of the Sea forced her off the Sand, and she went into 15 Fathom Water. At last they Anchored, and brought her Head up almost to Windward, and still working with the Pumps and Bailings, but to no Purpose, the Water increased so fast, that it was about Three Foot above the Gun-Deck, before the Men that were in the Ship endeavoured to shift for themselves, and few escaped, for the Boats were not near them, now the Ship all of a sudden sunk, and many perish'd in her, but Sir *John* the Captain of it, escaped by a

1682. Rope over the Stern into Captain Wybourn's Boar. So that the Earl of Roxborough, Lord O-Brian, the Laird Hopron, Sir Joseph Douglas, and Mr. Hide, with several of the Duke's Domesticks, and many other Passengers, besides above 110 Seamen, were lost.

The Pilot was apprehended and carried on Board Captain Saunders, who had Orders to detain and secure him, till he should be Tryed, which was done some time after; and thereupon he was committed to the Marshalsea Prison.

There was this most remarkable Medallion struck upon his Highness's wonderful Preservation, in this sad Disaster; the Words being

*Jacobus Dux Eboracensis & Albanensis G. B. F.*

The Reverse is,

*Impavidum Feriunt,*





LXXXII



1682. The Duke, after this sad Disaster, arrived at the desired Country, and soon after, viz. on the 8th of May, went to Council, and there declared, That it was his Majesty's Pleasure to constitute the Lord of *Haddo* Lord-President of the Sessions, Lord-Chancellor of the Kingdom, the Earl of *Queensberry* Lord-Treasurer, and the Earl of *Perth* Lord-Justice-General; and then having taken his solemn Leave, on the 12th of May left *Edinburgh*, and, together with his Royal Consort, with a great Train of Nobility, went to *Perth-Road*, where embarking on his Majesty's Frigate, the *Happy Return*, on the 26th arrived safe at the Buoy in the *Gunfleet*; of which an Express coming to *Windsor*, their Majesties, attended with a splendid Train of Nobility, came the next Day in their Coaches to *Putney*, and there took Barge, and went down the River to meet the Duke and his Dutcheß, which they did at *Eriff*; and at the Approach of the King's Barge the Ships in the Road saluted him with a general Discharge of their Cannon: Then their Royal Highnesses entred the Barge, and after some Expressions of Joy for the Duke's happy Deliverance from the Danger of the Sea, their Majesty's, the Duke and his Dutcheß, came to *Whitehall*, where they landed, being saluted all the way up the River by the Ships in the Road, and Guns from the *Tower*; from whence they went to *Arlington-House*, where they were entertain'd with a sumptuous Banquet, whither the Lord-Mayor and Court of Aldermen of the City repaired, to congratulate their Royal Highnesses happy Return, which was gratefully accepted by the Duke, of whom the remaining part of this Year, and the Two following ones, we have little to say, but only we are to observe, that the Duke had the Misfortune (if it may be so call'd) to accompany the King, on the 13th of
1683. July the next Year, to the *Tower*, where the Earl of *Essex* was then a Prisoner, and on that very Day murdered himself, or was murdered by others, which I do not determine.

This, together with the Condemnation of the Lord *Russel*. (who, as we informed you before, promoted the *Bill of Exclusion* very much) gave no small Encouragement to them that were not the Duke's Friends and Confidants, to say, That he was necessary to both their Deaths, and the rather, because my Lord *Russel*, in his Paper delivered to the Sheriff upon the Scaffold, says,  
That

That his Earnestness in promoting the Bill of Exclusion had  
no small Influence on his then Sufferings. 1683.

We can relate nothing else that is very remarkable concerning his Royal Highness for the Remainder of his Brother's Reign; only, that he seem'd to influence all his Councils, while the King himself grew careless of his Affairs, and saunter'd his Time away till, I may say, the fatal Day came; for upon *Monday*, the 2d of *February* this Year, he was suddenly struck with a violent Fit (as it was given out) of the Apoplexy; let the Cause be what it will (a Prince always dies of some Disease or other in the Physicians Catalogue) he expired upon the *Friday* following, about Noon. Immediately thereupon, such of the Lords of the deceased King's Privy-Council, together with such other of the Lords Spiritual and Temporal as were in Town, assembled together, and sign'd a Proclamation for proclaiming the Duke of *York* and *Albany* King, by the Name of JAMES the Second. 1684.

King  
Charles's  
Death.

Duke of  
York pro-  
claimed  
King.

And such Celerity was performed in getting all Things ready that were proper for the Ceremony, that the Afternoon of the same Day the King died, the Proclamation was read in all the most usual Places of the City: Hereupon, in regard that by the Death of the deceased King, most part of the Offices and Places of Jurisdiction and Government within the Realms of *England* and *Ireland*, did cease and fall; King James (for so we must call him for the future) reserving to his own Judgment hereafter, the Reformation and Redress of any Abuses or Misgovernment, upon Knowledge and Examination thereof, was pleas'd to declare, That all Persons, who at the Decease of the late King were duly and lawfully possess'd of, or invested in any Office, whether Civil or Military, within the Realms of *England* or *Ireland*, or in any other of his Dominions thereto belonging, particularly all Presidents, Lieutenants, Vice-Presidents, Justices of the Peace, Sheriffs, &c. should be, and should hold themselves continued in the said Places and Offices, as formerly they held and enjoy'd the same, until the King's Pleasure should be further known.

And farther, for the Preservation of the Peace, he declared, That all Persons then in Offices, of whatsoever Degree or Condition, should not fail, every one according to his Place, Office or Charge, to proceed in



1684. in the Performance and Execution of all Duties thereto belonging, as formerly appertained to them while the late King was living. And that all the King's Subjects in general should be aiding and assisting at the Command of the said Officers and Ministers, in the Performance of their respective Offices and Places, upon Pain of the King's Displeasure. Lastly, That all Orders and Directions made or given by the Lords of the Privy-Council of the late King, in his Life-time, should be obey'd and perform'd by all and every Person, as it should or had been obey'd in the Life of the late King.

The King was pleased, upon his first Appearing in the Privy-Council, to deliver himself to them in a Speech to this Purpose :

K. James's  
1<sup>st</sup> Speech  
to the  
Privy-  
Council.

‘ Since it hath pleased Almighty God to place me in this Station, and that I am now to succeed so good and so gracious a King, as well as so kind a Brother, I think fit to declare, that I will endeavour to follow his Example, and more especially in that of his great Clemency and Tenderneſs to his People: I have been reported to have been a Man for Arbitrary Power, though that is not the only Story which has been made of me : I shall make it my Endeavour to preserve the Government both in Church and State, as it is by Law established. I know the Principles of the Church of *England* are for Monarchy, and that the Members of it have shewn themselves good and loyal Subjects, and therefore I shall always take Care to defend and support it. I know likewise that the Laws of *England* are sufficient to make the King as great a Monarch as I can wish : And therefore as I will never depart from the just Rights and Prerogatives of the Crown, so I never will invade any Man's Property. I have often ventured my Life in Defence of the Nation, and will go as far as any Man in preserving it in its just Rights and Privileges.

The Lords of the Council shew'd themselves so well pleased with the Speech, that they became humble Suiters to his Majesty, That his gracious Expressions might be made publick, which he order'd accordingly.

Soon

Soon after a Proclamation was issued forth, That 1685.  
 the Customs, Subsidies of Tunnage and Poundage, and other Sums of Money payable upon Merchandizes imported and exported, should be collected by the several Officers and Collectors for the King's Dominions, for the King's Use, till the Parliament, which was to be speedily assembled, should take Care for the settling a sufficient Revenue on the Crown, for the Support of the Government.

Upon the 14th of *February*, the Duke of *Norfolk* having before (according to his Majesty's Command) ordered, that the Mourning for the deceased King might be perform'd with that Decency that became so great and solemn an Occasion, the Funeral was privately solemnized from the *Painted Chamber* in the Palace of *Westminster*, to the Abbey-Church; the further Ceremonies and Solemnization thereof we will omit, as not agreeable to our Design; but hardly was ever a Crowned Head so obscurely interr'd, he having not so much as the Blue-coat Boys to walk before him.

By this Time arriv'd Intelligence from *Scotland*, That upon the News of King *Charles's* Death, the Earl of *Perth*, Lord High-Chancellor, and the Duke of *Queensberry*, Lord High-Treasurer, immediately caused the Privy-Council to meet, and after they had expressed their just Grief for the Loss of so good a King and Master, they resolv'd unanimously the next Morning to proclaim *James VII.* and the Council having met accordingly, about Eight of the Clock in the Forenoon, next Day, after the Reading of the King's Letter to them directed, the Lord-Chancellor first took the Oath of Allegiance, the Oath of Privy-Councillor, and the Test; then administred the same to the rest of the Councillors, which done, they all signed the Proclamation for proclaiming the new King, and went all to assist at the Solemnity thereof, which was perform'd thus; The Lord-Provost of *Edinburgh*, together with the Magistrates and Town-Council in their Formalities proceeded first bare-headed; next Lyon King at Arms, and the rest of the Heralds in their Coats of Arms display'd; then follow'd the Lord-Chancellor, the Lord-Treasurer, with the rest of the Officers of State and Councillors, with other Lords both Spiritual and Temporal; behind them the Lords of the Sessions in their Robes, the Train'd-Bands standing on both sides of the Street.

Being

1685.

Bishops  
Address.

Being thus come to the Cross, and ascending it, the Lord-Chancellor proclaim'd the King, and upon concluding with *God save the King*, was seconded with the Shouts and Acclamations of a vast Number of all Ranks of People there present; the Privy-Council at the Conclusion of the Ceremony dispatched a Letter to the King, giving an Account of what was done both as to the Proclamation and the Oath they had taken, to hazard their Lives and Fortunes in Defence of his Majesty's Title and Person: At the same time, the Archbishops and Bishops sent an Address to the King, expressing their deep Sorrow for the Death of their late Sovereign *Charles II.* which (they acknowledged) was most unsupportable, had not the peaceable Succession of his Majesty mitigated the same; they also congratulated his Ascension to the Throne, with all the Marks of Joy imaginable, and desired that his Majesty would be graciously pleased to permit the Arch-bishop of *St. Andrews* to wait upon his Royal Person, and address himself in his Own and their Name more fully, to express their Sence and Duty, than a Letter could allow.

Proclaim-  
ed in Ire-  
land.

On the 16th of *February* was the King with equal Grandeur proclaimed in *Ireland*, the Duke of *Ormond* having received Orders from the Privy-Council at *Whitehall*, the *Saturday* before, being the 14th, for Proclaiming him at *Dublin*; which was performed with as great a Splendor as it was in *Scotland*, but too tedious here to relate.

The King  
makes Al-  
terations  
at Court.

But by this time King *James* began to regulate and make some Alterations at Court, the Earl of *Rocheſter*, Lord President of the Council, was made Lord High-Treasurer of *England*, and the Lord Marquess of *Halifax* was in his Room made Lord President of the Council; the Earl of *Clarendon*, Lord Privy-Seal, and the Duke of *Beaufort* continued Lord President of *Wales*; the Lord *Godolphin* was made Chamberlain to the Queen; and at the same time his Majesty was pleased to appoint *Henry Buckley*, Esq; to be Master of the Household; Sir *Stephen Fox*, eldest Clerk of the Green-Cloth; Sir *William Boreman*, second Clerk of the same; Sir *Winston Churchil*, eldest Clerk Comptroller; and Sir *Richard Mason*, youngest Clerk Comptroller; in which Places they served the deceased King before.

Thus



Thus stood Things at Court, when *Serclaes de Tilly*, 1685. Envoy from the Marquess of *Grana*, Governour-General of the *Spanish Netherlands*, arrived to Condole the King is Death of the late King; and soon after arrived the *Marquischal d'Orge*, and the Marquess *d'Estampes*, the first congratulated by sent by the King of *France*, and other by the Duke of *Orleans*; these were followed by *Monf. d'Ebreuschell*, Foreign Ministers. from the King of *Denmark*, upon the same Account, who at the same time gave Notice of the Death of the Queen-Mother: Other Princes were not deficient in sending Extraordinary Envoys upon the same Errand; *Monsieur de la Lundy*, came from the Duke of *Zell*; *Monsieur Spanhem*, from the Elector of *Brandenburgh*; the Count *de la Trinite*, from the Duke of *Savoy*; the Baron of *Croſeck*, from the Duke of *Brunswick*; and *Monsieur de la Rovere*, Count *de S. Ange*, from the Dutchess of *Modena*. But a more splendid Embassie than all these came from the States of *Holland*, in which were employed the *Heer Van Duyvenvoure*, and the *Heer Van Citters*, who being received at *Greenwich* by Sir *Charles Cotterel*, and brought by Water in the King's Barge to the Tower; at their Landing were received by the Lord *Tenham*, saluted with the usual Discharge of Cannon, and from thence conducted in the King's Coach, attended by Five Coaches of their own, and a great many others with Six Horses apiece. to their House in *St. James's Square*; and after some few Days had their Audience of both Their Majesties, and the Queen Dowager.

About the Beginning of *March* the King issued out a Proclamation, declaring that he resolved, by the Favour and Blessing of God, to celebrate his own and his Queen's Coronation upon the 23th of *April* next ensuing; and forasmuch as by the ancient Customs and Usage of the Realm, as also in regard of divers Tenures of sundry Mannors, Lands, and other Hereditaments, many of his loving Subjects did claim, and were bound to perform several Services on that Day, and at the Time of the Coronation, as in former Times, their Ancestors and they from whom they claimed had done, at the Coronation of his Predecessors; therefore for the Preservation of the Rights of his loving Subjects, whom it might concern, he thought fit to signify, that he had authorized and appointed, under the Great-Seal, *Francis*, Lord *Guilford*, Lord Keeper

1683. Keeper of the Great-Seal; *Laurence*, Earl of *Rockester*, Lord High-Treasurer; *George*, Marquess of *Hallifax*, President of the Council; *Henry*, Earl of *Clarendon*, Lord Privy-Seal; *Henry*, Duke of *Norfolk*, Earl-Marshal; *James*, Duke of *Ormond*; *Henry*, Duke of *Beaufort*, Lord President of *Wales*; *Robert*, Earl of *Lindsey*, Lord Great Chamberlain of *England*; *Henry*, E. of *Arlington*, Lord Chamberlain of the Household: *Aubrey*, Earl of *Oxford*; *Theophilus*, Earl of *Huntingdon*; *Robert*, Earl of *Sunderland*; *Robert*, Earl of *Ailsbury*; *John*, Earl of *Radnor*; *George*, Lord *Dartmouth*; *Sidney*, Lord *Godolphin*; Sir *George Jeffreys*, Chief-Justice of the King's-Bench; and Sir *Thomas Jones*, Chief-Justice of the Common-Pleas; or any Three or more of them, to receive, hear and determine the Petitions and Claims which would be exhibited to them, concerning the Services to be by them performed at the said Coronation; straightly charging and commanding all Persons, of what Rank or Quality soever they were, to give their Attendance, according to the Summons to them directed.

K. makes  
Alterations  
in Ire-  
land.

While Things were preparing in *England* for the Coronation, the King was busie in making some Alterations in *Ireland*; for, in pursuance of new Orders that were sent to *Dublin*, his Grace the Duke of *Ormond*, delivered up the Sword to the Lord Archbishop of *Armagh*, Lord Primate and Chancellor of that Kingdom, and to *Arthur*, Earl of *Granard*, in the Quality of Lords Justices; the next Morning (by the same Instructions without dispute) the Council was conven'd, in order to be dissolved, and a new one appointed, which consisted of the Lord Primate, the Arch-bishop of *Dublin*, the Lord High-Treasurer, the Two Chief-Justices of King's-Bench and Common-Pleas, the Lieutenant-General of the Army, the Colonel of the Guards, the Duke of *Ormond*; the Earls of *Thomond*, *Roscommon*, *Arglass*, *Drogheda*, and *Longford*; the Lords *Fitz-Harding* and *Blesington*; *Robert Fitz-Gerald*, Esq; Sir *Charles Fielding*, Sir *Richard Reynolds*, Sir *Thomas Newcomen*, Sir *Robert Hamilton*, *Adam Loftus*, and *Samuel Kingdon*, Esquires. After which the Duke of *Ormond* came over laden with Addresses from almost all Parts of the Kingdom, which being mostly Congratulatory and Complemental ones, answerable to the then Times, we will take no Cognizance of in this Place. But the Duke,

Duke, after his Arrival at Court, did not long survive; 1685. the Reason whereof may most justly be attributed to his great Age, tho' some would have it proceed from the frightful Apprehensions he had of Popery. However, I cannot leave him without taking Notice of one Passage (as a Testimony of his Courage) at a Feast in *Dublin*, few Days before he came for *England*; when the Feast was ended, he took a large Glass of Wine in his Hand, bid them fill it to the Brim, then stood up and called to all the Company, *Look here, Gentlemen, they say at Court I am now become an old doating Fool; you see my Hand doth not shake, nor does my Heart fail, nor doubt, but I will make some of them see their Mistake.*

But to return from whence we made this Digression, if it may be so called, the 23d of *April* being now come, the Coronation of the King and Queen was performed at *Westminster* after the following Manner.

The King and Queen being come from *Whitehall* to King's Co-  
the Palace at *Westminster*, where the Nobility and o-  
thers, who were to bear part in the Solemnity, met. *ronation.*  
Their Majesties came down in State from the Lords House, into *Westminster-Hall*, about Eleven of the Clock in the Forenoon, and being seated upon the Throne there, the Sword of State, the Sword *Curtana*, and the Two-pointed Sword, together with the Gold Spurs, were presented to the King, and laid upon the Table before him, then the Dean and Prebendaries of *Westminster*, having before brought the Crown and Regalia in solemn Procession from the Collegiate Church, came into the Hall, and presented them severally to the King; after which being laid upon the Table, they were delivered, together with the Four Swords and Spurs, to the Lords appointed to carry them in Procession, which began in this Manner:

Drums and Trumpets preceded, next the Six Clerks in *Chancery*, Chaplains having Dignities; then the Aldermen of *London*, and Masters in *Chancery*, Four abreast; in which Order all the rest of the Proceeding follow'd: Then Serjeants at Law, and others of the long Robe, Squires of the Body, Gentlemen of the Privy-Chamber; Judges and Chief-Justices; then the Children of the Chappel-Quire of *Westminster*, Gentlemen of the Chappel, Prebends and Deans of *Westminster*; Master of the Jewel-House, and Privy-Councillors, not Peers; next Two Officers at Arms; then Barons,



1685.

rons, Baronesses, Bishops; Two other Officers at Arms; Viscounts, Viscountesses; Two Heralds at Arms; Countesses and Earls; Two more Heralds at Arms; Dutcheses, Dukes; next the Two Provincial Kings at Arms, after whom the Great Officers and Archbishops; then Two Persons in Robes of State, representing the Dukes of *Aquitain* and *Normandy*; then the Queen's Vice-Chamberlain, and Three Noblemen carrying her Majesty's Regalia, that is to say, the Earl of *Dorset* carrying the Ivory-Rod, the Earl of *Rutland* the Scepter, and the Duke of *Beaufort* the Crown. After them followed the Queen herself, assisted by the Bishops of *London* and *Winchester*, under a rich Canopy, supported by Sixteen Barons of the *Cinque-Ports*; the Train being born by the young Dutcheses of *Norfolk*, assisted by Four Earls Daughters, attended by Two Ladies of the Bed-Chamber. Now came the Noblemen that bore the King's Regalia, that is to say, the Earl of *Ailesbury* bearing St. *Edward's* Staff, the Lord *Grey* the Spurs, the Earl of *Peterborough* the Scepter, with the Cross; next the Earl of *Pembroke* bore the first Sword, the Earl of *Derby* the second, and between them the Earl of *Shrewsbury* bearing *Curtana*, or the pointless Sword: Then Garter, between the Usher of the Black Rod and the Lord-Mayor of *London*; then the Lord Great-Chamberlain single; after him the Earl of *Oxford*, bearing the Sword of State, between the Duke of *Grafton*, Lord High-Constable, and the Duke of *Norfolk*, Earl-Marshal; then the Duke of *Ormond* bearing St. *Edward's* Crown, between the Duke of *Somerset*, bearing the Globe, and the Duke of *Albemarle* bearing the Scepter with the Dove.

Now came the King himself, assisted by the Bishops of *Durham* and *Bath*, under a rich Canopy, born in like manner by Sixteen Barons of the *Cinque-Ports*, the Train born by Four Earls eldest Sons, assisted by the Master of the Robes, follow'd by the Duke of *Northumberland*, Captain of the Horse-Guard in waiting, between the Earl of *Huntingdon*, Captain of the Band of Pensioners, and Viscount *Grandison*, Captain of the Yeomen of the Guard, closing the Proceeding. The Serjeants at Arms went in Two Classes before his Majesty, and the Gentlemen-Pensioners on each side the Canopies. In this manner went the King and Queen, array'd in their Royal Robes, furr'd with Ermins, the  
King

King with a Velvet Cap, and the Queen a rich Circle of Gold on her Head, all the Nobility in Robes of Crimſon Velvet, with their Caps and Coronets in their Hands; and the reſt who formed the Proceeding being richly habited, or elſe wearing their peculiar Robes, proceeded on Foot upon blue Cloth, ſpread from the Steps of the Throne in *Westminster-Hall*, to the Steps of the Theatre in the Quire of *St. Peter's, Westminster*, the whole Paſſage being rail'd in, and guarded by his Maſteſty's Horſe and Foot-Guards: So ſoon as they entered the Church, and that the Nobility and others were all duly placed, their Maſteſties aſcended the Theatre, and repaired to their private Devotions, on the Eaſt Part thereof, and then ſeated themſelves in their Chair of State, then followed the Recognition; and after an Anthem, the King and Queen came to the Altar and made their firſt Oblation; at that Time the Lords who carried the Regalia preſented them at the Altar, to be there depoſited: Next was the *Litany* ſung by Two Biſhops, which being ended, the Biſhop of *Ely* began the Sermon; after the Concluſion of which, the King took the accuſtomed Oath. And then the *Veni Creator* being ſung, and the King diſrob'd of his Mantle and Surcoat, he was anointed and veſted with all the ſacred Habit in *K. Edward's Chair*, which done, the Crown was put on juſt at Three of the Clock, at what Time all the People ſhouted, the Drums beat, the Trumpets ſounded, the great Guns at *St. James's Park* and at the *Tower* were all diſcharged, and all the Peers put on their Coronets.

The King being thus Crowned, and having been farther inveſted with the Ring, received both the Scepters, made the ſecond Oblation, and being again reſeated in *K. Edward's Chair*, vouchſafed to kiſs the Archbiſhops and Biſhops; after which *Te Deum* being ſung, he aſcended the Royal Throne, and no ſooner was he Enthroned but the Archbiſhops and Biſhops, in Token of Homage, kiſſed the King's Cheek, and then all the Lords Temporal paid their ſeveral Homages, by doing the like, and touched his Crown. During which time the Treasuſer of the Houſhold threw about the Coronation Medals.

Then followed the Coronation of the Queen; at which Time the Ladies alſo put on their Coronets, as the Lords had done before at the King's. And then

1685. the Queen having received into her Hands the Scepter and the Ivory Rod, was conducted to her Royal Seat upon the Throne. The King and Queen being thus enthroned, after the singing of an Anthem, the Archbishop ending with the Benediction, the King and Queen went in State to King *Edward's* Chappel, where the King being divested of *St. Edward's* Robes, and attired in his Royal Robes of Purple Velvet, the whole Assembly, except those that belong'd to the Church of *Westminster*, return'd in the same Order as they came to *Westminster-Hall*, their Majesty's and all the Nobility wearing their Crowns and Coronets on their Heads, and being entred the Hall, were conducted to their several Tables to Dinner; the first Course for their Majesty's Table was served up with the usual Ceremony, the Lord High-Steward, and the Lord High-Constable riding in on Horse-back before it; and before the second Course was served up, Sir *Charles Dimmock*, the King's Champion, in complete Armour, accompanied with the Lord High-Steward and Earl-Marshal, all on Horse-back, perform'd the usual Ceremony of the Challenge, After which the Officers of Arms proclaim'd the King's Titles, in *Latin*, *French* and *English*, after the usual Manner. And thus ended the Ceremonies attending this Coronation, to the Satisfaction of the Spectators in general.

This Coronation could not pass without a Medal, and therefore the following one, was struck, with these Words about it :

JACOBUS II. D. G. Ang. Sco. Fr. & Hib. Rex.

The Reverse is a Branch of Lawrel upon a Cushion with an arm'd Hand out of the Clouds, holding a Crown.

A. Militari. Ad. Regiam. Exurg.

Inaugurat. 23 Apr. 1685.





MCCCXVII



Much about the same Time, as I take it, for it bears no Date, was the following Medalion struck, tho' almost the same that was stamp'd when he was Duke of York, and Lord High-Admiral, the Difference being only in the Scile, and his Majesty in longer Hair.

1685. *Jacobus II. Dei Gra. Ang. Scot. Franc. & Hib. Rex.*  
 The Reverse is, *Genus Antiquum.*



LXXXIV



Now let us take a View of the Affairs of Scotland, 1685. and how the King address'd the Parliament there sitting in his Letter to them, bearing Date the 28th of March, wherein he set forth, 'That the many Experiences he King's  
' had of the Loyalty and exemplary Forwardness of Letter to  
' that ancient Kingdom, by their Representatives at the Scotch  
' ssembled in Parliament, in the Reign of his Brother, Parlia-  
' made him desirous to call them together in the Begin- ment.  
' ning of his Reign, to give them an Opportunity not  
' only of shewing their Duty, but also to be exemplary  
' to others in their Demonstrations of Affection to his  
' Person, and Compliance with his Desires. But that  
' what he had to propose to them at that Time, was  
' this, which was both necessary as well for his Safety  
' as Service, and had a greater Tendency towards their  
' Securing their own Privileges and Properties, than  
' the Aggrandizing his Power; which however he was  
' resolved to maintain in its greatest Lustre; that he  
' might be the better enabled to protect and defend  
' their Religion established by Law, their Rights and  
' Properties, against Phanatical Contrivances, Mur-  
' derers and Assassins, which had brought them into  
' such Difficulties, which only the steady Resolutions  
' of his Brother, and those employ'd by him, could  
' have saved them from. That nothing had been left  
' undone by those unhumane Traitors, to overturn their  
' Peace; and therefore he hoped they would be want-  
' ing in nothing to secure themselves and him. Which  
' Things being of such Importance, he was resolv'd in  
' Person to have propos'd to them the needful Remed-  
' ies; but that being now impossible, he had sent a-  
' mong them the Duke of Queensberry, whom he had in-  
' structed in all Things relating to his Service and their  
' own Prosperity; not doubting of their Compliance  
' and Assistance in all those Matters wherein the said  
' Duke was instructed.

After the Reading of the Letter (the Substance of which we have now related) the Lord High-Comissioner spoke to this Effect: In the First place, *That the High-Comissioner's sending so soon to them for their Advice, was an evident Token not only of the great Confidence he had in their Loyalty, and their good Example to his own Dominions, but also a Proof of his Royal Intention to follow the Example of his Brother's quiet and peaceable Reign.* Speech



1685.

Secondly, He gave them Assurance of his Princely Resolutions to maintain and protect the Government of the Church, as by Law established, and also that he would take Care of the Persons and Concerns of the Regular Clergy; that he would maintain their Rights and Properties, according to the established Laws of the Kingdom, and that they should not be injured by any Arbitrary Oppressions of Soldiers or others; that he would grant his Condescension in the Business of Excise and Militia, as far as could be justly expected: And on the other side, the King expected from them to assert the Rights and Prerogatives of the Crown, and to establish the Revenues as ample upon him and his lawful Successors, as it was enjoyed by his Brother. That effectual Means might be fallen upon, to extirpate the desperate Fanatical Party (not a Word of the Popish one) that had brought the Kingdom to the Brink of Destruction.

After this the Lord-Chancellor, to back what the other had said, enumerated the many Disorders and Animosities that had been among them before the King, when Duke of York, was sent into the Kingdom, and by what easie Means he had brought about the Unity, which they almost despaired of; therefore he desired them to promote his Majesty's Interest, by destroying a Bastardly Brood of villanous Men, whose maintained Principles authoriz'd the Perpetration of Things not to be named among them who had ever heard of Government, much less of Religion. He added farther, to encourage them in their Duty, the excellent Qualifications of his Majesty, that ought to be particularly admired in a Crown'd Head, as to his Personal Advantages, whether as to Peace or War, his Experience both in Arms and Courts testified, besides his exact Honesty, Temperance, Sobriety, Diligence and Courage, to his Subjects the greatest Example of Loyalty, while he was one, now an Example to all Kings, of Love, Clemency and Care towards his People.

The Parliament soon after, in Answer to the King's Letter, address'd themselves in the following Manner

Scotch Par-  
liament's  
Address  
to the  
King.


'That his gracious and kind Remembrance of the Services done by his ancient Kingdom to his Brother, of ever glorious Memory, should rather raise in them ardent Desires to exceed whatsoever they had formerly done, than to look upon them deserving the Esteem

' Esteem he was pleased to express of them. That the 1685.  
 ' Death of their excellent Monarch was lamented by  
 ' them to all the Degrees of Grief, which were con-  
 ' sistent with their great Joy for the Succession of his  
 ' most sacred Majesty, who had not only continued,  
 ' but secured the Happiness which his Brother's Wis-  
 ' dom, Justice and Clemency had procured them, that  
 ' being the first Parliament which met by his Authori-  
 ' ty, he might be confident they would offer such Laws  
 ' as might best secure his Person, the Royal Family  
 ' and Government; and that they would be so exem-  
 ' plarily loyal, as to raise his Honour and Greatness to  
 ' the utmost of their Power: And Lastly, That they  
 ' would leave nothing undone for the Extirpation of  
 ' Phanaticism, and for detecting and punishing the late  
 ' Conspirators.

Having thus address'd themselves to the King in *Scotch Par-*  
 Words, they proceeded to Acts agreeable thereto; for *liament's*  
 first they passed an Act, wherein the King is declared *Proceed-*  
 to assent with his Estates in Parliament conven'd, to *ings,*  
 ratifie and confirm all Acts and Statutes formerly pas-  
 sed, for the Security, Liberty and Freedom of the true  
 Church of God, and the Protestant Religion, at pre-  
 sent professed within the Kingdom, in their whole  
 Strength and Tenor, as if they were particularly set  
 down and expressed in the Act. By a second Act they  
 annex'd and united the Excise of Foreign and Inland  
 Commodities to the Crown of *Scotland* for ever. By  
 a Third they ordain'd, That all such Persons as being  
 cited in Cases of Treasons, Field or House Conventicles,  
 or Church Irregularities, should refuse to give Testi-  
 mony, should be liable to be punished, as guilty of  
 those Crimes respectively, in which they refused to  
 be Witnesses.

Thus were Things carried in *Scotland*, to the no small  
 Satisfaction of his Majesty, who upon these Foundati-  
 ons was most assured, that what he aim'd at might be  
 brought in Time to its desired and designed Per-  
 fection.

But to return home, we find Dr. *Oats* now upon the  
 Stage, who was vigorously prosecuted by the Popish  
 Party, for the Service he had done in discovering the  
 Popish Plot; but to be a little more particular, the  
 Doctor, on the 8th of *May* this Year, was brought in *Oats pro-*  
 order to his Tryal, to the Bar of the *King's Bench*, the *secuted,*  
 first

1681.  first Indictment brought against him, was for swearing, That there was a Consult of Jesuits held at the White-Horse-Tavern, in the Strand, where Ireland and several other Jesuits were present, and their Business was to consult how they might murder and destroy the King, and subvert the Government; and there they came to a Resolution, That Pickering and Groves should kill the King; and that he was present at the Debate, and carried the Resolution from Chamber to Chamber, where they had separated themselves in lesser Numbers, and that there he saw the said Resolution sign'd.

To make this a Perjury, they were to prove, That Dr. Oats was all that time at St. Omers: for which they brought Hillsley, Dorrel, Osborn, Bournaby, a Jesuit, Pool, of the Order of the Virgin Mary, Thornton, Conway, Haggerstone, a Jesuit, Beeson, Clement, Smith, Price, Doddington, Gerrard, a Jesuit, Arundel, Christopher Turbervil, Clavering, Copley, and others. all Papists, and such as acknowledged themselves for such in open Court, who all swore, That the Doctor came to St. Omers in Dec. 1677. and was never out of the College, but Three Days, till July, 1678. Indeed, they swore it home, with such a nefarious Boldness, not without many scurrilous Reflections upon the Accused, as plainly manifested, that they swore more out of Revenge and Imbitterment, than Conscience.

In answer to this Indictment, Oats produced several Protestant Evidences, who swore, they saw him in London both in April and the Beginning of May, but they were derided by the Chief-Justice Jeffreys. The Doctor further appeal'd to the Court, whether a Papist, in case of Religion, might be believed and received as a good Witness: the Chief-Justice affirm'd, *He might*, and withal ask'd Oats, whether he thought he came there to preach? But the Doctor farther insisted upon the Question, and demanded it as his Right to be heard by Council, as to his Exception against his Witnesses, but was still over ruled by the Chief-Justice; upon which the Doctor appeal'd to all the Hearers, whether he had Justice done him, or not; which put his Lordship into such a violent Passion, as hardly to be parallell'd to have proceeded from a Christian Judge upon a Bench in History. The Storm being allay'd, Oats cited the Opinion of the Lord Coke, That a Popish Recusant was not to be admitted as a Witness, not so much



much as between Party and Party; but was answered, 1685. that that would not do: The Doctor farther urged, That they were brought up in a Seminary against Law, for which their Friends were to be punished: To which the Chief-Justice replied, that so was a Dissenter: The Doctor answer'd, That he had not offer'd any Dissenter in Evidence; but the Chief-Justice derided his Witnesses, calling them *Goodwife Mayo*, and her Companions, excellent Protestants without all Question. Then the Doctor urged the Statute of the 27 *Eliz. C. 2.* against Jesuits, Seminary Priests, and other such like disobedient Persons: The Chief-Justice ask'd him whether the Witnesses own'd themselves to be Priests and Jesuits? The Doctor would have offered the Statute of the 3d Year of *Charles I. C. 2.* but that would not be admitted: Upon this, the Doctor pleaded the Case of the Earl of *Shaftsbury*, when charged with High-Treason and committed to the *Tower*; who upon his Acquittal, moving, that he might have Liberty to bring an Indictment of Perjury against the Witnesses that accused him, the Court over-ruled the Motion, because they would not have the King's Evidence Indicted of Perjury, nor the Popish Plot called in question. But the Chief-Justice told him that was nothing to the Purpose neither. Then *Oats* urged, that the Evidence upon which he was Indicted of Perjury, was the same which had been delivered Six Years before at *Whitebread's Tryal*, and afterwards at *Langborn's Tryal*, and Sixteen Witnesses produced against him, which were not then received. Therefore if the Evidence he then gave was then believed, he could not dream what new Objection should arise against it, which had not been answered. *Oats* seeing that it was in vain to strive against the Stream of the Chief-Justice's Judgment, he concluded, since he had not Liberty to argue those Things which were most material for his Defence, with an Appeal to the Great God of Heaven and Earth, the Judge of all, and in his Presence, and before all the Auditory, avow'd his Evidence of the *Popish Plot*, in all and every Part of it, to be nothing but true; expecting from Almighty God the Vindication of his Integrity and Innocence.

The Jury withdrawing thereupon for a Quarter of an Hour, returned, and brought the Doctor in Guilty.

1685.

Another Indictment brought against the Doctor the next Day. was for Swearing, at the Tryal of Ireland, *That Ireland was in Town within the Cities of London and Westminster, upon the 1st or 2d Day of Sept. 1678. and upon the 8th and 12th of August; whereas, in Truth, he was not in Town upon any of those Days: For the Proof of which Perjury, or pretended One, the same Methods were used, as had been done in the Tryal of the Day before. The first of these was Mrs. Ireland the Jesuit's Sister, Mrs. Ireland's Mother, Mrs. Duddle, Mrs. Quino, the Lord Aston, Sir Edward Southcot, Mr. John Southcot, Harrison the Lord Aston's Coachman, George Hobson, George North, Andrew Wetton, Mrs. Harmel, Mrs. Rushton, Mrs. Winford, Mrs. Stanley, Mrs. Purcel, Mr. Stampford, Mrs. Fowler, the Two Cliffords, Mrs. Keeling, with several others, all Roman Catholicks.*

To this Shoal of Witnesses the Doctor answer'd, *That it was a sad Case for a Man, after Six Years, to be Indicted for a Circumstance of Time. Then he produced the Protestation of dying Bedlo; That all he had Sworn concerning the Plot was true, and that he was one that swore that Ireland was in Town either the Beginning of September, or Latter end of August: Which done, the Doctor called several Witnesses, but few appeared, and those such as did him little good; and therefore he laid the Stress of his Plea upon the Records of the Attainder and Execution of Ireland and Whitebread, &c. desiring the Court and the Jury to consider the Hardness of his Case, in regard that his Witnesses could not be found, or else were such, as, considering the Times, durst not appear in his behalf; and therefore hoped they would not let him be injured by the Number of false Witnesses and Papists that were Parties.*

Upon Monday the 26th of May, the Doctor was brought up again to the King's-Bench Bar, where he being asked what he could say in Arrest of the Judgment, he moved for longer Time to prepare his Council what to say in his Behalf; but that being denied him, and no Council appearing for him, he put in Exceptions himself.

I. *That a Witness sworn on the Behalf of the King, in a Process of High-Treason, could not be punished for Perjury by the King.*

II. *That*

II. That it did not appear that the Indictments of Ireland, found in Middlesex, were legally transmitted to London, and consequently that all the Proceedings thereupon were Coram non Judice.

III. That the Perjuries assign'd were foreign to the Issue.

IV. That it was Resolutio Signat' in that part of the Indictment that mentioned what the Defendant swore, and that in the Perjury assign'd it was Resolutio Signand', which was no good Assignment to the Perjury.

But these Exceptions being over-ruled by the Court, as of no Weight or Colour, as 'twas alledg'd, Judge *Withens*, after the Judges had laid their Heads a little while together, proceeded to give Sentence, ' That the ' Doctor should pay a Thousand Marks upon each Indictment : That he should be stript of all his Canonical Habit : That he should stand upon the Pillory, ' and in the Pillory, before *Westminster-Hall-Gate*, upon ' next Monday, for an Hour's time, with a Paper over ' his Head, after he had walked with it about all the ' Courts in *Westminster-Hall*, declaring his Crime : That ' upon the 2d Indictment, he should stand the next ' Day in the Pillory, at the *Royal-Exchange*, for the Space ' of an Hour, with the same Inscription : That the ' next Day he should be whipt from *Aldgate* to *Newgate*, ' and upon Friday from *Newgate* to *Tyburn*, by the Hands ' of the common Hangman.

But the Judge being for more Punishment still, said, ' Mr. *Oats* we cannot but remember, there were several particular Times about which you swore False, ' and therefore as Annual Commemorations, that it ' may be known to all People, as long as you live, ' we have taken Care of you for an Annual Punishment ; to which Purpose he farther pronounced, That ' upon the 24th of April every Year, as long as he lived, he should stand in the Pillory at *Tyburn*, just opposite to the Gallows, for the Space of an Hour ; the ' same before *Westminster-Hall-Gate*, every Year upon ' the 9th of August, as long as he lived : The same at ' *Charing-Cross*, every Year upon the 10th of August : ' The like over-against the *Temple-Gate* upon the 11th ' of August every Year : And, Lastly, The same upon ' the 2d of September, at the *Royal-Exchange*, and to be ' committed close Prisoner as long as he lived. The Judge told him farther, ' That if it had been in his ' Power,



1685.

‘Power to have carried it farther, he would have been  
 ‘willing to have given Judgment of Death upon him ;  
 ‘for he was sure he deserved it.

*Danger-*  
*field pro-*  
*secuted.*

On the 28th of this Month *T. Dangerfield* was Try’d, at the *King’s-Bench* Bar, upon an Information of Writing and Publishing a most Villanous and Scandalous Libel, called, *His Narrative*, and found Guilty. His Sentence was to have the same Whipping as *Oats* had, but with different Fate ; for, as he returned from his last Suffering, he was run through the Eye into the Brains, as he rode in the Coach, of which Wound he died in a few Days ; however, the Person that did the Fact, was hanged for it, upon the same Gallows to which the other had been whipt.

*Mr. Bax-*  
*ter prose-*  
*cuted.*

In the Afternoon of the same Day, *Mr. Richard Baxter* was Tryed and Convicted, at a *Nisi Prius*, at *Guildhall*, upon an Information of Writing and Publishing Scandalous and Seditious Notes upon the *New Testament* ; for which he was Fined and Imprison’d ; tho’ the King about Two Years after, at the Intercession of the Marquess of *Powis*, was pleased to release him.

We should have told you, that the Parliament met on the 26th of this Month, at what time the Commons being sent for up to the House of Lords to attend the King, who was seated upon his Throne in his Royal Robes, with the usual Solemnity, the Lord Keeper declared to them his Pleasure, to defer speaking to them, till the Members of both Houses had taken the Oaths appointed to be taken by Act of Parliament ; and farther acquainted them, That it was the King’s Pleasure, that the Gentlemen of the House of Commons should go apart, and proceed to the Choice of their Speaker ; upon which returning to their House, they made Choice of *Sir John Trevor*, one of the King’s Council at Law, who being presented to the King the same Afternoon, in the House of Lords, was confirmed by his Royal Approbation ; and the King, some few Days after, went to the House of Lords, and made his Speech to both Houses ; which being the first that was delivered by his Majesty since his Advancement to the Royal Throne, I thought it not amiss to insert it.

‘ After

' After it had pleased Almighty God to take to his  
 ' Mercy the late King, my dearest Brother, and to 1685.  
 ' bring me to the peaceable Possession of the Throne King's  
 ' of my Ancestors, I immediately resolved to call a Par- Speech in  
 ' liament, as the best Means to settle every thing upon Parlia-  
 ' those Foundations that might make my Reign both ment.  
 ' easie and happy to you: Toward which I am dispo-  
 ' sed to contribute all that is fit for me to do. What I  
 ' said to my Privy-Council at my first coming there, I  
 ' am desirous to renew to you; wherein I freely declare  
 ' my Opinion concerning the Principles of the Church  
 ' of *England*, whose Members have shewn themselves  
 ' so eminently loyal in the worst of Times, in Defence  
 ' of my Father, and Support of my Brother, of blessed  
 ' Memory, that *I will always take Care to support and de-*  
 ' *fend it.* I will make it my Endeavour to preserve  
 ' this Government, both in Church and State, as it is  
 ' by Law established. And as I will never depart  
 ' from the just Rights and Prerogatives of the Crown,  
 ' so will I never *invade any Man's Property.* And you  
 ' may be sure, that having hitherto ventured my Life  
 ' in Defence of this Realm, I shall still go as far as any  
 ' Man in preserving it in *all its just Rights and Liberties.*  
 ' And having given you this Assurance of the Care I  
 ' will have of your Religion and Property, which I  
 ' have chosen to do in the same Words I used at my first  
 ' coming to the Crown, the better to evidence to you,  
 ' *that I spoke them not by Chance,* and consequently, that  
 ' you may the more firmly rely upon a Promise so firm-  
 ' ly made, I cannot doubt that I shall fail of suitable  
 ' Returns from you, with all imaginable Duty and  
 ' Kindness on your part, and particularly what relates  
 ' to the settling my Revenue, and continuing it during  
 ' my Life, as it was in the Time of the King my Bro-  
 ' ther. I might use many Arguments to enforce this  
 ' Demand, from the Benefit of Trade, the Support of  
 ' the Navy, the Necessity of the Crown, and the Well-  
 ' being of the Government it self, which I must not  
 ' suffer to be precarious. But I am confident your own  
 ' Consideration of what is Just and reasonable, will  
 ' suggest whatever may be enlarged upon this Occasion.  
 ' There is one popular Argument which I foresee may  
 ' be used against what I ask of you, from the Inclina-  
 ' tions Men may have for frequent Parliaments, which  
 ' some

1685. *Some Men think would be the best secured, by feeding me from time to time by such Proportions as they shall think convenient. And this Argument, it being the first Time I speak to you from the Throne, I will answer once for all; That this would be a very improper Method to take with me, and that the best way to engage me to meet you often, is always to use me well. I expect that you will comply with me in what I have desired, and that you will do it speedily, that this may be a short Session, and that we may meet again to all our Satisfactions.*

*I must acquaint you, that I have had News this Morning from Scotland, That Argile is landed in the West-Highlands, with the Men he brought with him from Holland, and that there were Two Declarations published, one in the Name of all those in Arms there, the other in his own. It would be too long for me to report the Substance of them; it is sufficient to tell you, that I am charged with Usurpation and Tyranny. The shorter of them I have directed to be forthwith communicated to you; I will take the best Care I can, that this Declaration of their Treason and Rebellion may meet with the Reward it deserves. And I will not doubt but that you all will be the more zealous to support the Government, and give me my Revenue, as I have desired it, without Delay.*

The House of Commons returning to their House, the first Thing they did, was the Order of making a Return of their humble Thanks for his Majesty's gracious Speech; which they did in the Afternoon of the same Day; the Lords, about the same Time, resolved upon the following Address: 'That whereas the King had been pleased to inform them, that the Earl of Argile, attainted of High-Treason, was landed with other Rebels in Scotland, and was there in actual Rebellion, *They were resolved to stand by his Majesty with their Lives and Fortunes, for the Suppression of the said Rebels.* The House of Commons also declared themselves to that Purpose. Then the Parliament settled the Customs and Temporal Excise upon the King, as they were before upon his Brother, which having received the Royal Assent upon the 18th of June, he deliver'd himself to them in this Manner:

Parliament resolves to stand by the King.

My



*My Lords and Gentlemen,*

I Thank you very heartily for the Bill you have presented me this Day; and I assure you, the Readiness and Cheerfulness that has attended the Dispatch of it, is as acceptable to me as the Bill it self. After so happy a Beginning you may believe, I would not call upon you unnecessarily for an extraordinary Supply: But when I tell you, that the Stores of the Navy and Ordnance are extreamly exhausted; That the Anticipations upon several Branches of the Revenue are great and burthenfome; That the Debts of the King my Brother to his Servants and Family are such as deserve Compassion; That the Rebellion in Scotland, without putting more Weight upon it than it really deserves, must needs put me to a considerable Expence and Extraordinary; I am sure such Considerations will move you to give me an Aid to provide for these Things, wherein the Security, the Ease and Happiness of my Government are so much concerned: But, above all, I must recommend to you the Care of the Navy, the Strength and Glory of this Nation, that you will put it into such a Condition, as may make us respected and considerable abroad. I cannot express my Concerns upon this Occasion more suitable to my own Thoughts of it, than in assuring you, I have a true *English* Heart, as jealous of the Honour of the Nation, as you can be. I please my self with the Hopes, that (by God's Blessing and your Assistance) I may carry the Reputation of it yet higher in the World, than ever it has been in the Time of any of my Ancestors: And as I will not call upon you for Supplies, but when they are of publick Use and Advantage, so I promise you, that what you give me upon such Occasions shall be managed with good Husbandry; and I will take Care it shall be employ'd to the Use for which I ask them.

Pleased with this Speech, the Commons proceeded in their Supplies, and granted his Majesty a new Imposition upon Wines and Vinegar, as also more Customs upon Sugar and Tobacco, besides an Imposition upon all *French* Linens, and all *East-India* Linnen, and several other *Indian* Manufactures, also upon *French* wrought

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wrought Silks and Stuffs, and all Brandies; the Act for prohibiting the Importation of *French* Wine, Vinegar, Brandy, Linens and Cloth, Silks, Malt, Paper, or any Manufacture made or mix'd with Silk, Thread, Wool, Hair, Gold or Silver, was now fully repeal'd; and to make the King's Revenues equal, nay, superior to those of his Predecessors, there was 5 s. per Tun granted him upon every Voyage which any Foreign Ship should make from Port to Port in *England*, and 1 s. per Tun for every Voyage which a Foreign built Ship, not free, should make: So that by Computation his Revenue in all, which was settled upon him now, together with that he had when Duke of *York*, amounted to 2550000 l. per Annum, which none of his Predecessors (except *Henry VIII.*) ever had by a Third part.

At this Time the Parliament in *Scotland* passed several Acts also for the Honour, as well as the Advantage of their new Sovereign, which we will not curtail in this Place, but content our selves to inform the Reader, that it passed for an Act (in Imitation of the *English* Generosity) To make a dutiful Offer to the King of 260000 Pounds Yearly, to begin at *Whitsuntide* this Year, and to be paid Termly at *Whitsuntide* and *Martlemas*, during the King's Life.

Argile's  
Declara-  
tion.

However, in the midst of these brisk Resolutions, they were not a little dispirited at the unexpected News of the Earl's Invasion, who setting Sail the 2d of *May* from the *Wye* in *Holland*, upon the 5th of the same Month appeared before *Orkney*, where sending his Secretary and Chirurgeon ashore, they were both seized by the Inhabitants of the Island, and sent up to the Privy-Council at *Edenburgh*: Being disappointed there as to his Reception, he sail'd for the West Coast of *Scotland*, and landed at *Dunstaffnage* in *Lorn*, a ruinous Castle, formerly belonging to himself, into which he put a Garrison, and from thence proceeding farther into the Country, he publish'd a Declaration, intituled, The Declaration of the Protestant People, that is to say, of the Noblemen, Barons, Gentlemen, Burgeses and Commoners of all sorts, within the Kingdom of *Scotland*, with the Concurrence of the true and faithful Pastors, and of several Gentlemen of the *English* Nation, joined with them in the same Cause: Wherein was set forth the great Advantages the Protestant Religion, both at Home and Abroad, had had, by the Success of the War against

Charles

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*Charles* the First; which Success they ascribed to the Blessing of God and the Goodness of their Cause; they cried up the Loyalty of the *Scotch* Covenanters; they accused the Parliaments of both Kingdoms for rescinding the Laws which had been made during the War, as also for turning out the Nonconformist Ministers: They accused the Government for putting Men to Death contrary to the Law, and desolating the Churches, changing the Ordinances of God into the Inventions of Men, for conniving at Papists, and keeping up standing Forces, which they called *the Bane of Civil Government*. They declared against the King's Supremacy, and all the Wars against the States-General of the *United-Provinces*; the Forfeiture of the late Earl of *Argile*, and the Torture of *Spence* and *Castors*, by whom was made so great a Discovery of the late horrid Conspiracy; they likewise declared against the Inquiries into the Insurrection at *Bothwell-Bridge*, by the Circuit-Courts, which they called Tyranny and Popery twisted together; they declared against the King's Enthronement, as excluded by the *Exclusion Bill*, calling him barely *James*, Duke of *York*; they declared also against the then Parliament of *England*, as illegally elected; for which Reasons they rejected Subjection to the King, by the Name of *James*, (as before) Duke of *York*, and all his Accomplices, whom they stiled *their unknown Enemies*: Then they set forth their Reasons for their taking up Arms, *viz.* *For the Restoration of the Protestant Religion, the Extirpation of Popery, the Satisfaction of all who had been Sufferers for adhering to their Party*; declaring farther, That they would enter into no Treaty, Capitulation or Agreement with the King, but proceed in the Prosecution of the War, till their Ends should be attained, and lastly assur'd Indemnity to all that should join with them against a *Persecuting Tyrant* and an *Apostate Party*.

This was the Substance of the General Declaration of *Argile's* Followers, and the other that was in the Earl's Name, and in Reference of himself, was to this Purpose: 'That as he had taken up Arms with those that had appointed him to be their Leader, for no private nor personal Ends, but only for those contained in the Declaration before-mentioned; so he claim'd no Interest, but what he had before the pretended Forfeiture of his Family, and had sufficient Right to. He



1685. freely remitted all Personal Injuries against himself and Family to those that should not oppose him, but concur with him in his present Undertaking, for the Ends afore-mentioned; promising also, upon the Recovery of his Estate, to pay both his own and his Father's Debts. Lastly, That he had patiently suffer'd for Three Years and an half an Exilement, according to a Sentence unjustly pronounced against him in the late King's Reign, to whom he had always been truly loyal; but he being dead, and the Duke of York having taken off his Mask, and invaded the Religion and Liberties of the Kingdom, he thought it not only just, but his Duty to God and his Country, to oppose and repress his Tyrannies and Usurpations; inviting and offering all true Protestants to concur with him in his Undertaking. But the Parliament at *Edenburgh* were not unsensible of their Danger from such Proceedings: Therefore, in Opposition to the Earl, they passed an Act, That all the Subjects of *Scotland* should take the Oath of *Allegiance* anew, and assert the Royal Prerogatives whenever they should be requir'd by the Privy-Council, upon Pain of Banishment and Imprisonment, or such other Punishment as should be thought fit to be inflicted upon them.

But to return to the Earl, who by this Time had marched a great Way into the Country, to second his Declarations, he sent abroad the following Summons thro' the Country, dated from a Place called *Completon*, May the 21<sup>st</sup>. 'Being, by God's Blessing, come safe to this Place, with a Resolution, according to a Declaration set forth, *For the Defence of the Protestant Religion, our Lives and Liberties, against Popery and Arbitrary Government*; and all the stout Men of *Ilia* being come thus far, and this Country being together a Rendezvous, These are to require all the Heritors, Tenants, and others, and all the fencible Men within this Division of *Cowel*, between 16 and 60, with all their useful Arms, and Two Weeks Loan, to come to the *Tarbur*, against *Tuesday* next, being the 26<sup>th</sup> of *May*, without fail, or sooner, if they can. To back this Summons, his Son *Charles* marched into *Cowel*, and sent Letters to several Gentlemen to come to him, without any Pretence of Excuse, threatening otherwise the utmost Penalties of Martial Proceedings.

*Argile's*  
Letter of  
Summons.

The Earl marched from *Campleton* and *Kintyre*, with 2 Troops of Horse, and 700 Foot, to *Tarbut*, where he met 300 of the *Ilia* Men, being attended by their Ships, one of 30, another of 12, and a third of 6 Guns, and 20 small Boats, that he embarked his Men on, and came to the Town of *Ross*, in the Island of *Broot*; having furnish'd himself with a Night's Provision there, he set out and sailed round the Island, but next Day returned to *Ross*, and for a Signal of his Arrival, caused Seven Guns to be fired at his Landing. Now his Followers being 2500 Men, from the Island *Broot*, he sailed for *Cowel*, one of the Divisions of *Argileshire*, designing to bring in his Ships into *Lockfine*, but hearing that the King's Men of War, the *Kingfisher* and the *Faulcon* were coming up to the Entrance of *Lockrowan*, they fortified a little Castle called *Ellengreg*, and a Rock that lies near to it, to secure their Ships at *Lockrowan* aforesaid; which done, the Earl marched away towards the Head of *Lockfine*, leaving 150 Men to guard his Ships, having first put his Guns, Arms and Ammunition into the said Castle.

Upon the 11th of *June* the Marquess of *Athol* heading 300 of the King's Foot, engaged a Party of *Argile's*, consisting of 400 Foot, and 80 Horse, which the Marquess put to the Rout; and upon the News hereof, the Earl of *Argile* remarched to *Ellengreg*, where he continued till the 15th of *June*, then he marched towards *Lenox* in the Shire of *Dunbarton*.

Soon after the Earl's Departure from *Ellengreg*, the King's Men of War came up, with a Resolution to batter the Castle, and destroy the Earl's Ships, but upon firing the first Gun, Two Men went off in a Boat with a White Flag, and told them, that they might cease from their Enterprize, for there were none to oppose them, in regard all the Garrison was fled; hereupon a Boat was sent ashore, and finding the Castle deserted, as they were inform'd, they took Possession thereof, as also of the Ships and Boats, with all the Arms, Ammunition, and Guns, the Whole amounting to 600 Arms, 500 Barrels of Powder, with Ball, and other Stores proportionable.

Not long after the Earl of *Dunbarton*, Commander in Chief of the King's Forces, upon Notice of *Argile's* March over the River *Levil* above *Dunbarton*, directed his Course in Pursuit of the Earl towards *Sterling*, and

1585. overtook him in the Parish of *Killern*. The King's Horse and Dragoons kept up *Argile's* Men till the Foot arrived, but the Enemy was so posted in a strong Piece of Ground, that the General, in regard of their advantageous Encampment (if it may be so called) as also of the approaching Night, thought it not advisable to attack them then, but he kept his Men embattled all Night, to be in a Readiness at Break of Day to attack the Enemy: But the Earl spared them that Trouble, for it was found in the Morning, that he had march'd off in great Silence in the Night towards the River *Clyde*, which his Horses swam through, while the Foot were carried over in Boats, and so got without much Opposition to *Kenfrew*.

The King's Forces missing of the Enemy in their Pursuit after them, march'd to *Glasgow*, and having rested there for the Space of Two Days, the Earl of *Dunbarton*, at the Head of the Horse and Dragoons, upon Information of *Argile's* Course, posted after him with all the Expedition imaginable, leaving the Foot to follow with all the Haste they could make, but by this Time *Argile* and his Men were marching for *Kenfrew* towards *Glasgow*, but the Guide, Sir *John Cochram* provided for their Conduct, mistaking the Way, carried them into a Bog, where having lost their Horses and Baggage, the Foot dispers'd into several Parties; upon which the Earl divided the King's Forces answerable to their several Parties, to pursue them. *Argile* fleeing towards *Clyde*, was set upon by Two of *Gremock's* Servants, but scorning to yield, he fired upon them when they called out to him; however, he received a Wound in his Head, upon which, not trusting to his Horse, he alighted and ran into the Water. The Noise of this Bustle brought out a Country Fellow, who ran into the Water after him, where he was almost up to the Neck; the Earl presented his Pistol to the Fellow, but it would not go off; the Fellow perceiving this, gave him a Blow on the Head, which stunn'd him, so that he fell, and in his falling cried out, *Unfortunate Argile*; upon which Words they seized him, and carried him to their Commander.

But to return to Sir *John Cockram*, who with his Party took the Way towards the Sea, upon the Appearance of the King's Forces that pursued him, he posted himself in a small Inclosure, wherein his Men were cover'd

Breast



Breast high; nevertheless, the Lord *Ross* charged them, 1685. but the Place being advantageously situated, and too inaccessible for the Horse, the Captain of Dragoons was killed at the first Charge, and the Lord *Ross* slightly wounded, besides Sir *Adam Blaire* shot through the Neck, and Sir *William Wallace* of *Creigie* shot in the Side; then the Dragoons lighted off their Horses and came up with great Resolution, but by this Time Sir *John* had posted his Men in a Wood behind the Inclosure, who maintain'd their Ground with great Obstinacy, till at last being over-power'd in Number, they were totally overthrown: However, Sir *John*, their Captain, and his Son broke their Way through, though they had the Misfortune to be taken afterwards, and sent Prisoners to *Edenburgh*, as was also one *Rumbald*, the Maltster, and his Man, that were some time before taken by a Party of the King's, under the Earl of *Arran*.

The unfortunate Earl of *Argile* being committed to Prison in the Castle of *Edenburgh*, upon the last of *Argile beheaded.* June he was brought forth to the Market-Cross, near which (according to the Sentence of Death) he was beheaded; his Head was set up upon the *Toll-Booth*, and his Body was laid in *St. Magdalen's* Chappel in the *Conny-Gate*; the Earl made no Speech upon the Scaffold, but delivered a Paper to the Dean of *Edenburgh*, to be given to the Lord-Chancellor.

Now we return to *England* again, where we find a more remarkable Transaction on the Stage of this Nature, and accompanied with the same Tragical Circumstances, for on the 13th of June the King received an Express from the Mayor of *Lime*, that the *Tuesday* before the Duke of *Monmouth* landed with about 150 Men at *Lime*, and had possess'd himself of the Town, and had sent some of his Number into the Neighbouring Countries, to raise the People. Which News did not a little perplex the King, as also the Parliament then sitting; and thereupon a Proclamation was issued forth immediately, declaring, 'That whereas the King had received certain Information, that the Duke of *Monmouth*, the Lord *Grey*, and several others, were landed at *Lime*, in *Dorsetshire*, in a hostile Manner, and had possess'd themselves of the Town, &c. Therefore he declared the Duke of *Monmouth*, and all his Adherents and Abettors, Traytors and Rebels, and required the

1685. Deputy-Lieutenants, and other Officers, to apprehend them as Traytors: And the Parliament being informed of the same by the King, both Houses immediately in their Addresses resolved to stand by his Majesty with their Lives and Fortunes, against the said Duke and all his Rebels and Traytors, and all other his Enemies whatsoever; and upon the 16th of this Month the King repaired to the Parliament-House, gave his Royal Assent to several Acts, one of which was an Act to attaint *James, Duke of Monmouth*, of High-Treason; and at the same time a Proclamation was issued forth, *for apprehending of all Persons that should publish or disperse the Duke of Monmouth's Declaration*; which I think not improper to be inserted in this Place.

D. of Monmouth's Declaration.

AS Government was originally instituted by God, and this or that Form of it chosen and submitted to by Men, for the Peace, Happiness and Security of the Governed, and not for the private Interest and personal Greatness of those that rule: So that Government has always been esteem'd the best, where the supream Magistrates have been invested with all the Power and Prerogatives that might capacitate them, not only to preserve the People from Violence and Oppression, but to promote their Prosperity; and yet, where nothing was to belong to them by the Rules of the Constitution, that might injure and oppress them. And it hath been the Glory of *England*, above most other Nations, that the Prince had all intrusted with him that was necessary, either for the advancing the Welfare of the People, or his own Protection, in Discharge of the Office; and withal stood so limited and restrain'd by the fundamental Terms of the Constitution, that, without a Violation of his own Oath, as well as the Rules and Measures of the Government, he could do them no hurt, or exercise any Act of Authority, but through the Administration of such Hands as stood obnoxious to be punished in case they transgressed: So that, according to the primitive Frame of the Government, the Prerogatives of the Crown, and the Privileges of the Subject, are so far from jostling one another, that the Rights reserved unto the People, tended to render the King honourable and great, and the Prerogatives

'rogatives settled on the Prince were in order to the  
 'Subjects Protection and Safety. But all humane  
 'Things being subject to Perversion, as well as Decay,  
 'it hath been the Fate of the *English* Government to  
 'be often changed and wrested from what it was in  
 'the first Settlement and Institution. And we are par-  
 'ticularly compelled to say, *That all the Boundaries of*  
 '*the Government have of late been broken, and nothing left*  
 '*unattempted for turning our limited Monarchy into an*  
 '*absolute Tyranny* : For such hath been the Transaction  
 'of Affairs within this Nation for several Years last past,  
 'that though the Protestant Religion and Liberties of  
 'the People were fenced and hedged about by as many  
 'Laws as the Wisdom of Man can devise, for their  
 'Preservation against Popery and Arbitrary Power,  
 'our Religion hath been all along countermined by  
 'Popish Councils, and our Privileges ravished from us  
 'by Fraud and Violence. And more especially, the  
 'whole Course and Series of the Life of the Duke of  
 '*York*, hath been one continued Conspiracy against the  
 'Reform'd Religion, and the Rights of the Nation :  
 'For whoever considers his contriving the Burning  
 'of *London*, his instigating a Confederacy with *France*,  
 'and a War with *Holland*, fomenting the Popish Plot,  
 'and encouraging the Murther of Sir *Edm. Godfrey*, his  
 'charging Treason against Protestants, suborning Wit-  
 'nesses to swear the Patriots of our Religion and Liber-  
 'ties out of their Lives ; his hiring execrable Villains  
 'to assassinate the late Earl of *Essex*, and causing those  
 'others to be clandestinely cut off, in hopes to conceal  
 'it ; his advising and procuring the Prorogation and  
 'Dissolution of Parliaments, in order to prevent their  
 'looking into his Crimes, and that he might escape  
 'the Justice of the Nation. Such can imagine nothing  
 'so black and horrid in it self, or so ruinous and de-  
 'structive to Religion and the Kingdom, which we  
 'may not expect from him.

'The very Tyrannies which he hath exercised since  
 'he snatched the Crown from his Brother's Head, do  
 'leave none under a Possibility of flattering themselves  
 'with Hopes of Safety, either in their Consciences,  
 'Persons or Estates : For, in Defiance of all the Laws  
 'and Statutes of the Realm, made for the Security of  
 'the reform'd Protestant Religion, he called in Multi-  
 'tudes of Priests and Jesuits, for whom the Law makes



1685.

' it Treason to come into this Kingdom ; and hath im-  
 ' power'd them to exercise Idolatries : And, besides his  
 ' being daily present at the Worship of the Mass, he  
 ' hath publickly assisted at the greatest Fopperies of  
 ' their Superstition. Neither hath he been more ten-  
 ' der in trampling upon the Laws which concern our  
 ' Liberties, seeing in Two Proclamations, whereof the  
 ' one being the collecting of the Customs, and the other  
 ' the continuing that part of the Excise which was to  
 ' expire at the late King's Death ; he hath violently,  
 ' and against all the Law of the Land, broken in upon  
 ' our Estates. Neither is it any Extenuation of his  
 ' Tyranny, that he is countenanced in it by an extra-  
 ' judicial Opinion of 7 or 8 suborned and forsworn  
 ' Judges, but rather declaring the Greatness and Ex-  
 ' tent of the Conspiracy against our Rights ; and that  
 ' there is no Means left for our Relief, but by Force  
 ' of Arms : For advancing those to the Bench that were  
 ' the Scandal of the Bar, and constituting those very  
 ' Men to declare the Laws, who were accused and  
 ' branded in Parliament for perverting them, we are  
 ' precluded all Hopes of Justice in *Westminster-Hall* ;  
 ' and by packing Juries together by false Returns, new  
 ' illegal Charters, and other corrupt Means, he doth  
 ' at once deprive us of all Expectations of Succour  
 ' where our Ancestors were wont to find it ; and hopes  
 ' to render that which ought to be the People's Fences  
 ' against Tyranny and the Conservator of their Liber-  
 ' ties, the Means of subverting all our Laws, and of  
 ' establishing his Arbitrariness, and confirming our  
 ' Thralldom. So that unless we could be contented to  
 ' see the reform'd Protestant Religion, and such as pro-  
 ' fess it, extirpated, Popish Superstition and Idolatry  
 ' established, the Laws of the Land trampled under  
 ' Foot, the Liberties and Rights of the *English* People  
 ' subverted, and all that is sacred and civil, or of Re-  
 ' gard amongst Men of Vertue or Piety, and unless we  
 ' could be willing to be Slaves, as well as Papists, and  
 ' forget the Example of our noble and generous Ance-  
 ' stors, who convey'd our Privileges to us at the Ex-  
 ' pence of their Blood and Treasure ; and withal, be  
 ' unmindful of our Duty to God, our Country and Po-  
 ' sterity ; deaf to the Cries and Groanes of our oppres-  
 ' sed Friends, and be satisfied not only to see them and  
 ' our selves imprison'd, robb'd and murder'd, but the  
 ' Pro-

Protestant Religion throughout the whole World betray'd to *France* and *Rome*; we are bound, as Men and Christians, and that in Discharge of our Duty to God and our Country, and for the Satisfaction of the Protestant Nations round about us; to betake our selves to Arms; which, we take Heaven and Earth to Witness, we should not have done, had not the Malice of our Enemies depriv'd us of all other Means of Redress; and were not the Miseries that we already feel, and those which do further threaten us, worse than the Calamities of War. And it is not for any personal Injuries, or private Discontents, nor in Pursuance of any corrupt Interest, that we take our Swords in our Hands, but for vindicating our Religion, Laws and Rights, and rescuing our Country from Ruine and Destruction, and for the Preserving our selves, Wives and Children from Bondage and Idolatry. Wherefore, before God, Angels and Men, we stand acquitted from, and do charge upon our Enemies all the Slaughter and Devastations that unavoidably accompany intestine War.

Now therefore we do hereby solemnly declare and proclaim War against *James*, Duke of *York*, as a Murtherer, and as an Assassin of innocent Men, a Traytor to the Nation, and a Tyrant to the People: And we would have none that appear under his Banner to flatter themselves with Expectation of Forgiveness, it being our firm Resolution to prosecute him and his Adherents, without giving Way to Treaties and Accommodations, until we have brought him and them to undergo what the Rules of the Constitution, and the Statutes of the Realm, as well as the Laws of Nature, Scripture and Nations, adjudge to the Punishment due to the Enemies of God, Mankind, their County, and all Things that are honourable, virtuous and good.

And though we cannot avoid being sensible, that many have, from Cowardize, Covetousness and Ambition, co-operated to the Subverting of our Religion, and enslaving their Country; and yet would have none, from a Despair of finding Mercy, persevere in their Crimes, and continue the Ruine of the Kingdom; for we exclude none from the Benefit of Repentance, that will join with us in the Retrieving that they have been accessory to the Loss of: Nor do we design Revenge  
upon

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upon any but the Obstinate, and such as shall be found at this Juncture yielding Aid and Assistance to the said James, Duke of York.

And that we may both govern our selves in the Pursuit of this Glorious Cause, wherein we are engag'd, and give Encouragement to all that shall assist us in so righteous an Undertaking, we do, in the Presence of the Lord, who knoweth the Secrets of all Hearts, and is the Avenger of Deceit and Falshood, proclaim and publish what we aim at; and for the obtaining whereof, we have both determined to venture, and are ready to lay down our Lives. And tho' we are not come into the Field to introduce Anarchy and Confusion, or for laying aside any part of the old English Government, yet our Purposes and Resolutions are, to reduce Things to that Temperament and Balance, that future Rulers may remain able to do all the Good that can be either desired or expected, and that it may not be in their Power to invade the Rights, and infringe the Liberties of the People.

And whereas our Religion, the most valuable Thing we lay Claim unto, hath been shaken by unjust Laws, undermin'd by Popish Councils, and is now in Danger to be subverted; we are therefore resolv'd to spend our Blood for preserving it to our selves and Posterity: Nor will we lay down our Arms till we see it established and secured beyond all Possibility of being supplanted and overthrown, and untill all the Penal Laws against all the Protestant Dissenters be repeal'd, and legal Provisions made against their being disturbed by reason of their Consciences, and for their enjoying an equal Liberty with the other Protestants.

And that the Meekness and Purity of our Principles, and the Moderation and Righteousness of our End may appear to all Men, we do declare, That we will not make War upon, or destroy any for their Religion, how false and erroneous soever: So that the very Papists, provided they withdraw from the Tents of our Enemies, and be not found guilty of conspiring our Destruction, or Abettors of them that seek it, have nothing to fear or apprehend from us, except what may hinder their altering our Laws, and endangering our Persons in the Profession of the reform'd Doctrine, and Exercise of our Christian Worship.

Our Resolution, in the next place, is, To maintain all the just Rights and Privileges of Parliament, and to have Parliaments Annually chosen and held, and not prorogued, dis-

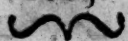




' dissolved or discontinued within the Year, before Petitions  
' be first answered, and Grievances redressed.

' And seeing many of the Miseries, under which the  
' Nation doth groan, arise from the displacing such out  
' of the Number of Judges, as would not, for the Pro-  
' moting of Popery and Arbitrary Designs, wrest and misap-  
' ply the Laws, and from constituting corrupt and mer-  
' cenary Men in their Rooms, on purpose to stretch the  
' Laws beyond the Reason and Intention of them; and  
' to declare that for Law which is not; we can neither  
' with Silence pass over the mentioning of them; nor  
' should we have Peace in our selves, if we did not  
' endeavour to prevent the like Mischief in time to  
' come: For, by reason of ill Men's being advanced to  
' the Bench, and holding ther Places only *durante bene-*  
' *placito*, many Persons have been condemned in exor-  
' bitant Crimes, or for several small ones: Many Sta-  
' tutes made for the Safety of the Subject, particularly  
' the *Habeas Corpus* Act, have been wickedly eluded, to  
' the Oppression of innocent and loyal Men. The Popish  
' Lords that were impeach'd in Parllament for a most  
' hellish Conspiracy, have, to the subverting the  
' Rights of the House of Lords, been discharged and set  
' free. The imposing a Mayor and Sheriffs upon the  
' City of London by Fraud and Violence, have been justi-  
' fied, and those who, in Discharge of their Duty, op-  
' posed it, illegally prosecuted, and arbitrarily punish'd.  
' London, and other Cities and Corporations, have been  
' robbed of their Charters upon unrighteous Judgments  
' of pretended Forfeitures. Sir Thomas Armstrong exe-  
' cuted, without being allow'd the Benefit of a Tryal.  
' Col. *Algernoon Sidney* condemned to die, upon the De-  
' position of one scandalous Witness. And that loyal and  
' excellent Person, the late *William*, Lord *Russel*, mur-  
' ther'd for alledged Crimes; in Reference to which, if  
' all had been true which was sworn against him, yet  
' there was nothing which, according to Law, could  
' have reached his Life. Upon the Consideration afore-  
' said, we further declare, that we will have Care taken  
' for the future for the debarring ignorant, scandalous  
' and mercenary Men from the Administration of Justice;  
' and that the Judges shall hold their Places by the anci-  
' ent Tenure of *quamdiu se bene gesserint*; and to leave it  
' to the Wisdom of a Parliament, to settle some Way  
' and Method for the Approbation of such as shall be ad-  
' vanc'd to the Degree and Dignity of Judges. 'And

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‘ And forasmuch as the Invasion made on the Rights  
 ‘ of Cities, Boroughs and Towns Corporate, the Seifure  
 ‘ of their Charters, whether by Surrender, or upon Pre-  
 ‘ tence of Forfeiture, have been wholly arbitrary and il-  
 ‘ legal ; we likewise therefore declare, We will, to our  
 ‘ utmost, endeavour to see them repossessed in what they  
 ‘ formerly had, and could legally lay Claim to ; and that  
 ‘ we do esteem all Judgments given against them, and  
 ‘ all Surrenders made be a corrupt and perjured Party  
 ‘ amongst them, null and void in Law ; and do hold and  
 ‘ declare their old Charters, notwithstanding the new ones  
 ‘ lately granted, to be good and valid : And according-  
 ‘ ly, we do encourage and invite all honest Burgeses  
 ‘ and Freemen to re-assume the Rights and Privileges  
 ‘ which, by Virtue of the said old Charters, belong’d to  
 ‘ their severall and respective Corporations ; and to de-  
 ‘ liver themselves from those late Parasites, and Instru-  
 ‘ ments of Tyranny, set up to oppress them.

‘ Moreover, for the Restoring the Kingdom to its  
 ‘ primitive Condition of Freedom and Safety, we will  
 ‘ have the *Corporation* and *Militia-Acts* repealed : And  
 ‘ all Outlawries of Treason against any Person what-  
 ‘ soever, upon the late pretended Protestant Plot, re-  
 ‘ versed ; and also, all other Outlawries, Banishments,  
 ‘ Warrants, Judgments, Imprisonments, and injurious  
 ‘ Proceedings against any other Persons, upon any of the  
 ‘ penal Statutes made against Protestant Dissenters, made  
 ‘ null and void. And we will have new Laws enacted  
 ‘ for placing the Election of Sheriffs in the Freeholders  
 ‘ of the severall Counties, for settling the *Militia* in the  
 ‘ severall Shires, and for preventing all Military Stand-  
 ‘ ing Forces, except what shall be raised and kept by  
 ‘ Authority and Consent of Parliament.

‘ And whereas severall Gentlemen, and others, who  
 ‘ have been worthy and zealous Assertors of the Pro-  
 ‘ testant Interest, and Laws of the Kingdom, are now  
 ‘ in Custody in divers Places within the Realm, upon  
 ‘ most unjust Accusations, Pretences, Proceedings and  
 ‘ Judgments ; we do hereby further declare their said  
 ‘ Imprisonments to be illegal ; and that in case any  
 ‘ Violence shall be offered to them, or any of them,  
 ‘ we will revenge it to the utmost upon such of our  
 ‘ Enemies as shall fall into our Hands.

‘ And whereas the said J. D. of T. in order to the Ex-  
 ‘ pediting the idolatrous and bloody Designs of the Pa-  
 ‘ pists,

‘ pists, the Gratifying his own boundless Ambition af-  
 ‘ ter a Crown, and to hinder Enquiry into the Affassi-  
 ‘ nation of *Arthur*, E. of *Essex*, hath poison’d the late  
 ‘ King, and thereby manifested his Ingratitude, as well  
 ‘ as Cruelty to the World, in murdering a Brother,  
 ‘ who had almost ruined himself, to preserve and pro-  
 ‘ tect him from Punishment ; We do therefore further  
 ‘ declare, That for the aforesaid villainous and unna-  
 ‘ tural Crime, and other his Crimes before-mention’d,  
 ‘ and in pursuance of the Resolution of both Houses of  
 ‘ Parliament, who voted to revenge the King’s Death  
 ‘ in case he came to an *Untimely End*, we will prosecute  
 ‘ the said *J. D. of T.* till we have brought him to suffer  
 ‘ what the Law adjudged to be the Punishment of so  
 ‘ execrable a Fact.

‘ And in a more particular Manner, his Grace the D.  
 ‘ of *Monmouth*, being sensible of the barbarous and hor-  
 ‘ rid Parricide committed upon his Father, doth resolve  
 ‘ to pursue the said *J. D. of T.* as a mortal and bloody  
 ‘ Enemy ; and will endeavour, as well with his own  
 ‘ Hand, as by the Assistance of his Friends, and the  
 ‘ Law, to have Justice executed upon him.

‘ And the said *James*, D. of *Monmouth*, the now Head  
 ‘ and Captain-General of the Protestant Forces of this  
 ‘ Kingdom, assembled for the End aforesaid, from the  
 ‘ Generousness of his own Nature, and the Love he bears  
 ‘ to these Nations, whose Welfare and Settlement he  
 ‘ infinitely prefers to whatsoever concerns himself, doth  
 ‘ not at present insist upon his Title, but leaves the De-  
 ‘ termination thereof to the Wisdom, Justice and Autho-  
 ‘ rity of a Parliament, legally chosen, and acting with  
 ‘ Freedom : And in the mean time, doth profess and de-  
 ‘ clare, by all that is Sacred, That he will, in Conjun-  
 ‘ ction with the People of *England*, employ all the Abi-  
 ‘ lities bestowed upon him by God and Nature, for the  
 ‘ Re-establishment and Preservation of the Protestant  
 ‘ Reformed Religion in these Kingdoms, and for Resto-  
 ‘ ring the Subjects of the same to a free Exercise thereof,  
 ‘ in Opposition to Popery, and the Consequences of it,  
 ‘ Tyranny and Slavery. To the Obtaining of which  
 ‘ End, he doth hereby promise and oblige himself to  
 ‘ the People of *England*, to consent unto, and promote  
 ‘ the Passing into Laws all the Methods aforesaid ; that  
 ‘ it may never more be in the Power of any single Person  
 ‘ on the Throne to deprive their Subjects of their  
 ‘ Rights,



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‘ Rights, and to subvert the Fundamental Laws of the Government, design’d for their Preservation.

‘ And whereas the Nobility, Gentry and Commons of Scotland, are now in Arms upon the like Motives and Inducements that we are, and in Prosecution of Ends agreeable with ours, we do therefore approve the Justice of their Cause, commend their Zeal and Courage, expecting their, and promising our Assistance, for carrying on that glorious Work we are jointly engaged in; being obliged, avoiding Tedioufness, to omit the Recounting the many Oppressions under which that Kingdom hath groaned, and the giving a Deduction of the several Steps that have been taken for Introducing of Popery and Tyranny. We think fit therefore to signify both to our Country-men and Foreigners, that we intend a larger Testimony and Remonstrance of the Grievances, Persecutions, Cruelties and Tyrannies we have of late lain under; and therein, a more full and particular Account of the unparalell’d Crimes of the D. of R. And we make our Appeal unto GOD, and all Protestant Kings, Princes, States, and People, concerning the Justice of our Cause, and the Necessity we are reduced unto, of having our Recourse to Arms. And as we do beseech, require, and adjure all sincere Protestants, and true *English* Men, to be assisting to Us, against the Enemies of the Gospel, Rights of the Nation, and Liberties of Mankind; so we are confident of obtaining the utmost Aid and Succour which they can yield us with their Prayers, Persons and Estates, for the Dethroning the said Tyrant, &c. Nor do we doubt being justified, countenanced and assisted by all Protestant Kings, Princes and Commonwealths, who either regard the Gospel of *Jesus Christ*, or their own Interest. And, above all, our Dependance and Trust is upon the Lord of Hosts, in whose Name we go forth, and to whom we commit our Cause, and refer the Decision betwixt us and our Enemies in the Day of Battle. Now let us play the Men for our People, and for the Cities of our God; and the Lord do that which seemeth good unto him.

D. of Monmouth's  
Progress.

The Duke on Sunday the 14th of June, about Three of the Clock in the Morning, march'd out of *Lime* with 60 Horse, and 120 Foot, and came to *Bridport*, where Mr. *Will. Stringer* and Mr. *Edm. Coker* were both unhappily

happily slain by some of his Party, who were greedy to take up Horses for their own Service, from whence he bent his March toward *Taunton*, greatly encreasing his Number, for all the Dukes of *Albemarle*, *Somerset* and *Beaufort* posted themselves to prevent the Country's coming into him: After many Marches, and some Skirmishes between the Duke and the King's Party, which being not very material, I purposely omit, the Earl of *Feversham*, who commanded the King's Forces in chief, being advanced from *Somerset* as far as *Weston*, within Three Miles of *Bridgewater*, quarter'd his Horse and Dragoons in the said Village, and encamped his Foot in an advantageous Post near it, fronting towards a spacious Moor, and having a Ditch before them. In the Evening the Earl had Notice, that the Duke was withdrawing out of the Town, which made him keep his Troops in Readiness, and send out frequent Parties to observe the Motion of the Enemy, but the Duke so dexterously order'd his March, and with such a Secresie, that he got a Passage without Discovery or Opposition into the said Moor, and there, towards Morning, drew up his Foot in Battle Aray, to the Number of between 5 and 6000 Men, and in this Position, the Duke being at the Head of them, they got within a little way of the King's Camp; the Earl's advanced Guards having discovered the Approach of the Enemy, by this Time gave the Alarm, whereupon the General, with all Expedition, put his Men, to the Number of 2000 Foot and 500 Horse, in a Posture to receive them; then the Fight began by the Duke's Men, making several loud Shouts, and brisk Volleys being repeated on both Sides, the Duke's Horse were coming to second the Foot, but were intercepted and briskly charged by Col. *Ogletthorp*, then the Earl of *Oxford's* Regiment, and a Detachment of the Guards came in to form the Lines. It is true, the Resistance made by the Duke's Horse, commanded by the Lord *Grey*, was very inconsiderable, the Reason whereof was (as the King's Party said) their Undexterity in Martial Discipline, and being never drawn up in a Body before, gave Way before all that charg'd them, and soon (being more fit for running than fighting) quitted the Field: But others affirm, That there was Treachery in that Lord. But the Foot all this while stood firm on both sides, exchanging Volleys with equal Eagerness, being debarred from a close Engagement.

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Monmouth's  
defeated.

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gement by the Ditch that was between them; however, the Cannon coming up, and the King's Horse breaking upon the Duke's Infantry, they were at last put to the Rout, leaving Three Pieces of Cannon and all that they had behind them. About 2000 fell a Victim to the Sword, and several were taken Prisoners, among the rest Col. *Holms*, and *Perrot*, his Major, the Constable of *Crookborn*, and *Williams*, then Servant to the Duke of *Monmouth*, having 200 Guinea's of the Duke's Money about him; the Coat also the Duke usually wore was found amongst the Booty, which occasion'd a Report that he was slain; but this was confuted soon after, by an Account of his being taken at *Ring-wood*, upon the Borders of *Dorsetshire*, hiding himself in a Ditch, as was also the Lord *Grey*, in a disguised Habit, near that Place, taken by the Lord *Lumley*.

*Monmouth*  
commit-  
ted to the  
*Tower*.

And Be-  
headed.

Upon the 13th of *July* the Duke and the Lord *Grey* were both brought to *London*, and committed to the *Tower*, and on the 15th the Duke, by Vertue of an Attainder past upon him (as we mentioned before) in this Parliament, was Beheaded on *Tower-Hill*, where he was attended by the Bishop of *Ely*, the Bishop of *Bath and Wells*, Dr. *Tennison* and Dr. *Hooper*, as his Assistants to prepare him for Death; the Duke upon the Scaffold, was closely pressed upon to acknowledge the Doctrine of *Non-Resistance* in particular, which he would not, alledging, *That he acknowledged the Doctrine of the Church of England (in the Communion of which he lived and died) in general*; the Assistants replied, *That since he professed himself to be of the Church, he ought to acknowledge in particular the Doctrine of Non-Resistance*; the Duke said, *That the general Acknowledgment of the Church of England's Doctrine included all*; and a great deal more to the same Purpose; and after his joining with them in Prayers (though the Assistants said they could not pray so heartily as if he had owned that Doctrine, so often pressed upon him) at last submitted his Neck to the fatal Stroak, and left this Paper behind him:

*Mon-*  
*mouth's*  
*Paper.*

‘I Do declare, That the Title of King was forced upon me, and that it was very much contrary to my Opinion, when I was proclaimed. For the Satisfaction of the World, I do declare, that the late King told me, *He was never married to my Mother*. Having declared this, I hope that the King who is now,



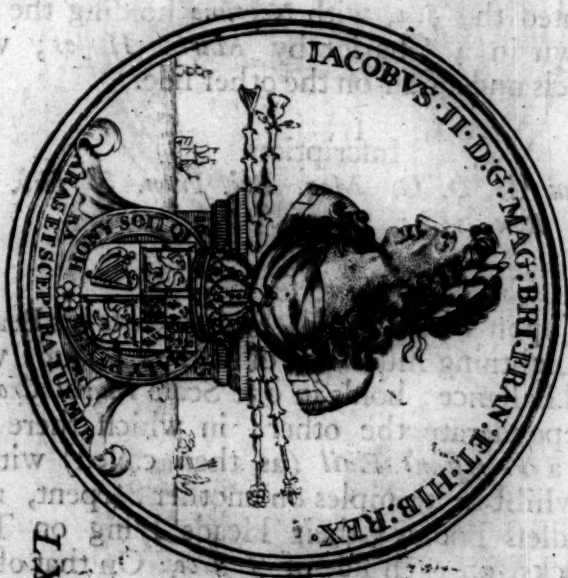
# JAMES II.

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now, will not let my Children suffer on that Account. 1685.  
And to this I put my Hand this 15th Day of  
July, 1685.

MONMOUTH.

There were Two Medals coined upon Occasion of  
these Rebellions in both the Kingdoms; the first was  
this:



LXXXV



I

Here

1685. Here you see the King in Bust, crown'd with Laurel, &c. placed upon a large Basis or Altar; on the Front of which are the Arms of England, &c. with the Garter, and over it the Crown.

Exurge.

*Ar. & Septra Tuemur.*

Upon the Altar lie Four Scepters, bearing on their Tops the Rose, Lilly, Thistle and Harp: Upon each side is represented the Sea, with Neptune holding the Trident, drawn in a Chariot by Marine Horses; with Two Vessels under Sail on the other side.

Inscription

*Jacobus II. D. G. Mag. Bri. Fran. & Hib.  
Rex, 1685.*

Reverse.

*Justice* (upon whose Head the Sun darts his Beams, and the Lightning issues out of a dark Cloud) with Sword and Ballance; holds in one Scale *Mural Crowns*, which preponderate the other; in which there is a Scimitar, a *Protestant Flail* (as then called) with a Serpent, whilst he tramples on another Serpent, near Two Headless Bodies; their Heads lying on Two square Blocks, on each side of *Justice*: On that of the Right Hand,

*Jacobus De Monmour.*

On the Left Hand,

*Archibald D. Argyl.*

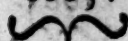
Upon one side of the Carcasses are represented Soldiers routed and flying away; on the other a Castle with Two Heads fix'd on Spikes over the Gate; and on the Pedestal,

*Ambitio, Male Suada. Ruit.*

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The other was this:



LXXXVI



It is the Effigies and Bust of the Duke of *Monmouth* himself, without any Inscription at all.

The Reverse represents a young Man precipitating from a steep Rock into the midst of the Sea, upon which are placed Three Crowns amongst Brambles and Shrubs.

*Supersi Rifer. July 6. 1685.*



1685.

Soon after the Parliament being prorogued, the King published his Proclamation, That *George Speak*, *Francis Charleton*, *John Wildman*, Esqs; Col. *Danvers* and *John Trenchard*, Esq; should appear within Twenty Days after the Date thereof, as being suspected of several Traitorous Practices and Conspiracies against the King and Government; however, they were so prudent as to keep out of the Way: But the Lord *Stamford*, the Lord *Brandon*, and the Lord *Delamere*, were all Three seized and clap'd into the Tower; tho' as some were disgraced, others were advanced to Honour. For about this Time the Duke of *Norfolk*, the Earl of *Peterborough*, and the Earl of *Rochester*, were all Three install'd Knights of the Garter at *Windsor*, by the Dukes of *Ormond* and *Beauford*, commission'd for that Purpose by the Sovereign of the Order, and not long after the same Honour was conferr'd upon the Earl of *Feversham*, for his great Service against *Monmouth* at *Sedgemore* Engagement.

*Jeffrey's* Cruelty in the West. Now the Lord Chief-Justice *Jeffreys* had a special Commission of Oyer and Terminer granted, to try all *Monmouth's* Adherents in the West; and indeed he made use of it with a Witness, even to Barbarity it self; the first that fell under his merciless Resentment was one *Alice Lisle*, one whose Age, if not Sex, could find (one should think) some Tenderness at his Hands; but to be a little more particular, the Sequel will justify this our unusual Reflection upon this Person, who, tho' the Jury brought the Prisoner in Three times not guilty, yet by Threats and Comminations he prevailed at last, that she was brought in guilty of High-Treason, and was beheaded for it. Her Crimes were, that she had conceal'd Mr. *Hicks*, the Non-conformist Minister, and *Richard Nelthorp*, who was a perfect Stranger, as the other was in no Proclamation. But the Convention, after *K. William* came in, were so much satisfied of the Illegality of the severe Proceedings of *Jeffreys*, that they reversed the Judgment of her Death.

*Jeffreys*, after this was done, posted to *Dorchester*, where understanding there were 30 Persons that had been found by the Grand-Jury to have been assisting the Duke of *Monmouth*, my Lord told the Prisoners, with a great deal of seeming Sincerity, That if any one of them there indicted would relent for their Conspiracies and plead guilty to the same, they should find him to be a merciful

Judge;

*Judge*; but for all his Quaintness and Elegancy of Speech to perswade them to it, yet they pleaded *not guilty*; yet 29 of the 30 being found guilty, were immediately executed, for the terrifying of others from justifying themselves: But to see the Clemency of this Judge, there were 80 more out of 243, who were deluded to plead guilty to their Indictments, executed; and near as many at *Exeter* served so by the like Delusion; and his Cruelty at *Taunton* and *Wells*, where he put a Period to his bloody Execution, was not inferior or less inhuman to the forementioned ones; for in these Two Places he passed Sentence of Death upon 500 Persons, whereof 239 were executed, and had their Quarters set up in the principal Places and Roads of those Countries, to the no small Annoyance of those Parts.

And here not to omit Col. *Kirk*, one of the King's Officers, he, after the Overthrow of the D. of *Monmouth*, caused 90 wounded Men to be hang'd, without permitting their Wives and Children to speak to them; but to express his Joy to be the Author of such unheard of Severity, he caused his Pipes to play, Drums beat, and Trumpets sound, at the Execution of the poor Wretches, and their Quarters being boil'd in Pitch, were set up in several Parts of the Town; at last, after *Kirk* and *Jeffreys* had play'd their Game, and the latter took the Latitude to reprieve those that would pay him as much as their Necks were worth, whereof Mr. *Prideaux*, tho' innocent, was forced to purchase his Life at the Rate of 14500 Pounds, whereas others having not wherewithal to satisfy his Avarice, were fairly sold for Slaves into the *American* Plantations, a Proclamation of Pardon came out, but not without a great many Exceptions, and such as Mr. *Coke* takes the Liberty to call ridiculously Cruel. About the same time another Proclamation was issued forth for the Apprehension of the Earl of *Macclesfield*, requiring also that no Person should receive or harbour him, upon Pain of undergoing the utmost Severity of the Law.

Now it being the Month of *Sept.* Sir *George Jeffreys*, already made Baron of *Wem* in *Shropshire*, was made Lord Chancellor of *England*, that Place being vacant by the Death of the Right Honourable *Francis*, Lord *Guildford*, which happen'd on the 28th of this Month, and upon the 11th of *October*, Sir *Edward Herbert* was made Chief-Justice of the *King's-Bench*, and Sir *Robert*

1685. *Wright* removed out of the *Exchequer* into the same Court. But to mix Tragedies and Comedies together, on the 19th, *Henry Cornish* was brought to his Tryal at the *Old-Baily*, for conspiring the Death of *K. Charles II.* which was made out thus; *That in the Year, 1682, he had promised to be Assisting to James, late D. of Monmouth, William Russell, Esq; Sir Tho. Armstrong, &c. in their Treasons against the King, to raise a Rebellion in the Kingdom, and subvert the Ancient Government of Monarchy* of which he was found Guilty, and afterwards executed in *Cheapside*, as a Traytor: Yet for all this, not long after his Quarters were order'd to be taken down and deliver'd to his Relations to be decently Interr'd as they were in *St. Lawrence's Church*, by *Guild-Hall*, which seem'd to intimate his Innocence, and to be a Blemish both upon the Judge that condemn'd him, and the Jury that found him Guilty; nay, I have heard that the King himself should express some Regret, as if he had had hard measure. At the same Time also were Tryed *Will. King*, for harbouring and concealing *Joseph Kelloway*, and *Henry Lawrence*, who had both taken part with the D. of *Monmouth* in the West; one *John Fernley* was then also Tryed for harbouring and concealing *James Burton*, a Person outlaw'd for Treason; and *Elizabeth Graunt*, for succouring the said *Burton* with Money, and helping him to a Passage, in order to his Escape beyond the Seas; and being all found Guilty, were sentenced to die as Traytors, the Woman being burnt at *Tyburn*: And upon the 27th of *Octob.* *Richard Nelthrop* (for whom the *Lady Lisle*, as before-mention'd, was condemn'd) and *John Ayloff*, were brought from *Newgate* to the *King's-Bench Bar*; where being asked, *Why Execution should not be awarded against them, in regard they stood Attainted by Outlawry of High-Treason, for conspiring the Death of Charles II. and having nothing to say, because they thought whatever they could say would signifie nothing,* they were both hang'd by Rule of Court, the first before *Greys-Inn*, and the other before the *Temple-Gate*.

Mr. Cornish Try'd  
and executed.

Other  
Executions.

Now the 9th of *Nov.* being come, which was the Time appointed by Proclamation for the Parliament to meet, after the Prorogation from the 4th of *Aug.* to this Time, the King repair'd to the House of Lords, and there deliver'd himself in these Words to both Houses.



*My Lords and Gentlemen,*

After the Storm that seem'd to be coming upon us, 1685.  
 when we parted last, I am glad to meet you all  
 again in so great Peace and Quietness; God Almighty King's  
 be praised, by whose Blessing that Rebellion was sup- Speech in  
 pressed: But when I reflect what an inconsiderable Parlia-  
 Number of Men begun it, and how long they carried ment.  
 it on without any Opposition, I hope every Body will  
 be convinced, that the Militia, which have hitherto  
 been so much depended on, is not sufficient for such  
 Occasions, and that there is nothing but a good Force  
 of well disciplin'd Troops in constant Pay that can  
 defend us from such as either at Home or Abroad are  
 disposed to disturb us; and in Truth, my Concern  
 for the Peace and Quiet of my Subjects, as well as for  
 the Safety of the Government, made me think it ne-  
 cessary to increase the Number to the Proportion I  
 have done; That I owed as well to the Honour, as the  
 Security of the Nation, whose Reputation was so in-  
 finitely exposed to all our Neighbours, by having lain  
 open to this late wretched Attempt, that it is not to  
 be repaired without keeping such a Body of Men on  
 Foot, that none may ever have a Thought of finding  
 us again, so miserably unprovided: It is for the Sup-  
 port of this great Charge, which is now more than  
 double to what it was, that I ask your Assistance in  
 giving me a Supply answerable to the Expences it  
 brings along with it; and I cannot doubt, but what I  
 have begun, so much to the Honour and Defence of  
 the Government, will be continued by you with all  
 the Chearfulness and Readiness that is requisite for a  
 Work of so great Importance. Let no Man take Ex-  
 ception, that there are some Officers in the Army not  
 qualified according to the late Tests, for their Im-  
 ployment: These Gentlemen, I must tell you, are most  
 of them well known to me, and having formerly ser-  
 ved me on several Occasions, and always approved the  
 Loyalty of their Principles by their Practices; I think  
 them now fit to be employ'd under me, and will deal  
 plainly with you, that after having had the Benefit  
 of their Services in such a Time of Need and Danger,  
 I will neither expose them to Disgrace, nor my self to  
 the Want of them, if there should be another Rebel-  
 lion to make them necessary to me.

1685.

‘ I am afraid some Men may be so wicked, to hope  
 ‘ and expect, that a Difference may happen between  
 ‘ you and me upon this Occasion; but when you con-  
 ‘ sider what Advantages have risen to us in a few  
 ‘ Months, by the good Understanding we have hither-  
 ‘ to had, what wonderful Effects it hath already pro-  
 ‘ duced, in the Change of the whole Scene of Affairs  
 ‘ abroad, so much more to the Honour of the Nation,  
 ‘ and the Figure it ought to make in the World, and  
 ‘ that nothing can hinder a further Progress in this Way  
 ‘ to all our Satisfaction, but Fears and Jealousies a-  
 ‘ mongst our selves. I will not apprehend that such a  
 ‘ Misfortune can befall us, as a Division, or but a Cold-  
 ‘ ness between you and us; nor that any thing can  
 ‘ shake you in your Steadiness and Loyalty to me, who,  
 ‘ by God’s Blessing, will ever make you Returns of  
 ‘ Kindness and Protection, with a Resolution to ven-  
 ‘ ture even my own Life in the Defence of the true In-  
 ‘ terest of this Kingdom.

Debates  
 of the  
 Commons

Hereupon the Earl of *Middleton*, a Member of the House of Commons, and one of his Majesty’s principal Secretaries of State, moving, That the House would immediately return their Thanks to his Majesty, for his most gracious Speech, and also proceed to the Consideration of answering the Ends therein mentioned; after some Debate it was resolved, That the House would resolve it self into a Committee of the whole House, on *Thursday* Morning next, at Ten of the Clock, to take into Consideration his Majesty’s Speech. Which they did accordingly: Mr. Solicitor being in the Chair, when the Speech was read, and then the Lord *Middleton* moved to have it consider’d by Paragraphs.

Debates  
 about a  
 standing  
 Army.

The House fell into a Debate of this Matter, and Sir *W. C. spake*, That some other Force than the Militia was necessary to be found, and moved a Supply for the Army.

He was seconded by the Lord *P.* to this Effect: We have lately had an unfortunate Proof how little we are to depend upon the Militia, and therefore sure we must all approve of his Majesty’s increasing the Forces to what they are. *France* is formidable, now *Holland’s* Forces are greatly encreased, and we must be strong in Proportion, for the Preservation of our selves and *Flanders*, and toward that, the good Harmony betwixt the  
 King

King and the House hath greatly contributed. It has had Two other great Effects abroad. 1685.

1. *The French King's Army last Spring was marching towards Germany; Crequi was far advanced, but when the King of France heard the Kindness of this House to the King, and the Defeat of Monmouth, he recalled them.*

2. *The French and Spaniard had also a Difference about Hay and Fonterreabea: The French advanced their Troops, and recalled them on this News.*

This is the noble Effect of the Harmony between the King and this House, who have, I hope, brought the same Heart and Loyalty they had the last time here.

Hence we may conclude, these Levies made by the King are just, reasonable and necessary. And so let us vote a Supply to answer his Majesty's present Occasions.

Of the same Opinion was the Lord R. who said, *The Question is, Whether a Supply or not. I do not intend to arraign the Militia, but seeing a Soldier is a Trade, and must (as all other Trades are) be learned: I'll shew you where the Militia has failed, viz. at Chatham, and in June last, when the late Duke of Monmouth landed, and had but 83 Men, and 300 l. in Money, who, in spite of the Militia, nay, in spite of such other Forces as the King could spare hence, brought it so far as he did.*

*If the King of France had landed then, what would have become of us? I say, the Militia is not insignificant, but an additional Force is necessary, and so a Supply that is answerable to it.*

In Opposition to these, Sir T. C. spake; If it shall appear to you that the King's Revenue he hath already be sufficient to supply all his Occasions, what then need we give him more?

'Tis moved we should proceed by Paragraph.

To come first to the Militia, who (let me tell you) did considerable Service in the late Rebellion, and if a great Nobleman of this Kingdom had been supplied and assisted, it had soon been quelled.

A Confidence betwixt the King and the People is absolutely needful, let it come whence it will our Happiness consists in it.

His Majesty, on his first Entrance on the Crown, told us, He had been misrepresented, and that he would preserve the Government in Church and State now esta-



1685. establish'd by Law, and to maintain us in all our just Rights and Privileges.

Overjoy'd at this, we ran hastily into him, we gave him Four Millions (reckoning what we added to him for Life was worth) at once.

The present Revenue is 1900000 *l.* or Two Millions Yearly; the Charge of the Government (admitting this Army kept up) is but 1300000 *l.* Yearly: And pray let us not forget that there was a Bill of Exclusion debated in this House; I was here, and shewed my self against it; the Arguments for it, were, *That we should, in case of a Popish Successor, have a Popish Army.*

You see the Act of the Test already broken, but pray remember what the late Lord Chancellor told you, when the late King (of Blessed Memory) past that Act, (the Words were to this Effect;) *By this Act you are provided against Popery, that no Papist can creep into any Place of Employment.* I am afflicted greatly at this Breach of our Liberties, and seeing so great difference betwixt this Speech, and those heretofore made, cannot but believe this was by some others Advice.

This struck at here, is our All, and I wonder there have been any Men so desperate, as to take any Employment not qualified for it, and would have therefore the Question put, That a standing Army is destructive to the Country.

This worthy Gentleman was opposed by Sir J. E. who said, The Number of the standing Forces was about 14 or 15000 Men, and they were about half so many before, and I conceive we are not safe without these Forces to aid and help the Militia. I am not for laying the Militia aside, but I say, *there is a Necessity for a standing Force.*

Half the Charge of those Forces is about 300000 *l.* Yearly, the Whole being 600000 *l.* Yearly, I conceive is all we need to give for it, of that there remains 200000 *l.* unreceiv'd of the 400000 *l.* given last, so the 200000 *l.* may go towards it, and the rest may be supplied by a Tax on Commodities; as for balancing of Trade, may better be charged than not. I am for a Supply.

He had no sooner done, but Sir H. C. reply'd, *I stand up for, and would not have the Militia reflected on, it was very useful in the late Rebellion of Monmouth, it kept*  
him



him from Bristol and Exeter, and is as good as any Army we can raise against any at Home.

He was seconded by Mr. C. who said, I am for Vindicating the Militia, the just Cause for a Supply, and would give it, and reward the Officers not qualified, or take them off some other way.

Mr. A. dreaded a standing Army, but was for a Supply.

Mr. W. alledged, Kings in old Time used to send not only an Account of their Revenues, but of the Charge they were going to be at, to the Parliament, when they demanded Aids. Henry the Fifth had but 56000 l. and Queen Elizabeth had 160000 and odd Pounds Yearly. I am for a Bill for making the Militia useful, and would know if we give Money thus, it be not for setting up a standing Army. I am for good Guards.

To which Sir W. T. subjoin'd, The Kingdom is guarded by Law; we are now in perfect Peace; the King is both feared and loved, and an Army little needed; Men are justly afraid: That which made the last Rebellion as it was, the Man that headed it, he was a Favourite of the Faction, and tho' he had got such a Number, he was beaten by 1800 Men only. I am against an Army.

But Mr. S. came closer than any of them to the Point, against a standing Army, he having delivered himself to this Purpose: This last Rebellion has contributed to our future Peace, and those engaged in it have sung their Penitential Psalm, and their Punishment rejoiced at by all good Persons. I do not commend the Militia, yet it is not to be rejected, but to be new modelled; and for my part, I had rather pay double to these, (meaning for keeping up the Militia) from whom I fear nothing, than half so much to those, of whom I must ever be afraid; and say what you will, 'tis a standing Army.

The last Force preserved the Peace, and was sufficient to do it in the late King's Time, and is now; all the Profit and Security of this Nation, is in our Ships; and had there been the least Ship in the Channel, it would have disappointed him.

Supporting an Army, is maintaining so many idle Persons to Lord it over the rest of the Subjects.

The King declared, No Soldiers should Quarter in Private Houses; but that they did. That they should pay for all Things they took; but they paid nothing for almost all they took.

And

1685.

And for Officers employ'd, not taking the Tests, it is dispensing with all the Laws at once; and if these Men be good and kind, we know not whether it proceeds from their Generosity or Principles: For we must remember, 'tis Treason for any Man to be reconciled to the Church of Rome; for the Pope, by Law, is declared an Enemy to the Kingdom.

A Supply given, as moved for, is a kind of an Establishing an Army by Act of Parliament; and when they have got the Power into their Hands, we are then to derive it from their Courtesie; and therefore I would have the Question be,

That the Safety of the Kingdom doth not consist with a standing Force; and this, it may be, will disappoint these Persons, that make it their Business this Way, to make themselves useful.

On the other hand, Sir T. C. having moved for an Address, Sir Tho. M. said, I am first for a Supply; that binds not an Address: His Majesty in his Speech only says, That the Militia is not sufficient.

The late long Parliament always own'd some Force necessary: We are not to name the Number, the King is best Judge of that; a great Soldier and a good Prince.

For I hear the Number is 14 or 15000; and I am for a Supply, and never saw but Money was always one Part of the Business of every Parliament.

There was a bitter Spirit in the Three last Parliaments, not yet well allay'd; and so I conclude a considerable Force needful, besides the Militia. I call those raised Guards, and would have a Supply given to support his Majesty's extraordinary Occasions.

The Navy wants 6 or 800000 l. and I would give in any Reason for it; so a Supply may, without a Negative, be given.

In Opposition to this, Serj. M. alledg'd, There is already a Law, That no Man shall, on any Occasion whatsoever, rise against the King: Lords and Deputy-Lieutenants, have Power to disarm the Disaffected. If you give thus a Supply, it is for an Army; and then, may not this Army be made of those that will not take the Test: Which Act was not design'd a Punishment for the Papists, but a Protection for our selves; and giving this Money is for an Army: I am against it.

Of the same Side, tho' not of the same Opinion, Sir R. T. seem'd to be with the Serjeant, who said, I must concur with the King, That the Militia is not sufficient.

I am



I am for mending the Militia, and make it such as the King and Kingdom may confide in it: To trust to mercenary Force alone, is to give up all our Liberties at once. 1685.

If you provide a constant Supply to support them, by setting up an Army, Sir Thomas Meers has turned it into a Supply for the Navy.

There is no Country in the World has a Law to set up an Army; we have already made an ample Supply for the Government. 'Tis for Kings to come to the House from time to time, on extraordinary Occasions; and if this Army be provided for by Law, they will never more come to this House.

I am for giving for the extraordinary Charge past. Armies are useful when Occasion is for them; but if you establish them, you can disband them no more.

I am for a Supply, but on this Score of the Militia. There was not a Company formed till 1588. and as soon as Queen Elizabeth had done with her Army, she disbanded it. Armies have been fatal often to Princes. The Army in the late King's Time often turned out their Leaders. I am for moving the House, for Leave for a Bill to mend the Militia.

When he had done, Sir W. C. replied, *The Beef-Eaters, at this rate, may be called an Army.*

Upon which Sir T. H. reported, The Colonel may say what he will of the Beef-Eaters, as he Nick-names them, but they are established by Act of Parliament.

At length, Mr. S. having declared he would make out, *That the King's Revenue was sufficient to maintain the Force on Foot.*

The Question was put, *That a Supply be given to his Majesty.*

And Sir Tho. C. moved, *That the Words (towards the Support of the additional Forces) might be added.*

Upon which the Communes divided. Yea's 156. No's 225. It was carried in the Negative; and then these Votes past; *That a Supply be given to his Majesty; and that the House be moved to bring in a Bill to make the Militia useful.*

On Friday the 13th, a Motion being made by the Earl of Middleton, That the House should proceed to the further Consideration of his Majesty's Speech.

The

1685. The House thereupon resolved it self into a Committee of the whole House; and the previous Question should be then put for the House to go on with the Supply, or proceed to the next Paragraph. The House divided.

For proceeding to the Supply 182. But the same being carried in the Negative, they adjourn'd till next Day; when

An Address was moved in the Committee by Sir *Edw. Jennings*, against the Popish Officers. Others moved the Inconveniency of it, if not granted, and so let it alone. Others would have the Catholicks, who had been so useful and well known to his Majesty, named and compensated. Some seem'd to doubt his Majesty's Compliance. Others, that it was not to be doubted, when address'd by such a House. At last it came to this Conclusion, That Instructions should be given to a Committee to draw an Humble Address to his Majesty.

And Mr. Solicitor having next Day reported, That the Committee appointed had drawn up an Address to his Majesty; the same was read and agreed to, and is as follows, *viz.*

*Most Gracious Sovereign,*

Commons  
address  
the King  
about Po-  
pish Of-  
ficers.

**WE**, your Majesty's most loyal and faithful Subjects, the Commons in Parliament assembled, do in the first place (as in Duty bound) return your Majesty our most humble and hearty Thanks, for your great Care and Conduct in suppressing the late Rebellion, which threatned the Overthrow of this Government, both in Church and State, to the Extirpation of our Religion, as by Law establish'd, which is most dear unto us, and which your Majesty hath been pleased to give us repeated Assurances you will always defend and maintain, which with all grateful Hearts we will ever acknowledge.

We further crave Leave to acquaint your Majesty, that we have, with all Duty and Readiness, taken into our Consideration your Majesty's Gracious Speech to us: And as to that part of it relating to the Officers in the Army, not qualified for their Employments, according to an Act of Parliament made in the 25th Year of the Reign of your Royal Brother, intituled, *An Act for preventing Dangers which may happen from Popish Recusants.*

We

' We do out of our bounden Duty, humbly represent to your Majesty,

' That these Officers cannot by Law be capable of their Employments, and that the Incapacities they bring upon themselves that Way, can no way be taken off but by Act of Parliament.

' Therefore out of that great Reverence and Duty we owe to your Majesty, who have been graciously pleased to take Notice of their Services to your Majesty, we are preparing a Bill to pass both Houses, for your Royal Assent, to indemnifie them from the Penalties they have now incurred; and because the continuing of them in their Employments may be taken to be a Dispensing with that Law without an Act of Parliament, the Consequence of which is of the greatest Concern to the Rights of all your Majesty's Subjects, and to all the Laws made for the Security of their Religion.

' We therefore the Knights, Citizens, and Burgeses of your Majesty's House of Commons, do most humbly beseech your Majesty, that you would be most graciously pleased to give such Directions therein, that no Apprehensions or Jealousies may remain in the Hearts of your Majesty's most Loyal Subjects.

The Address being read, and a Motion being made for going to the Lords for their Concurrence, some debated, that it would carry with it the greater Weight, and more likely to have good Effect; and if the Concurrence of the Lords were asked, the Judges in the Lords House would have an Opportunity of speaking their Opinion to it. Others opposed it, for the Lords had already given their Thanks to the King for his Speech, as being contented therewith, and that it would be more for the Honour of the House of Commons to Address alone. Those that were against the Thing it self when it past first, were about going to the Lords for their Concurrence.

Then the House divided. For asking Concurrence, 208. Against it, 212. It past in the Negative.

Then the Members of the House that were of his Majesty's Privy-Council, were ordered to know when his Majesty would be pleased to be attended therewith.

This done, Mr. Solicitor in the Chair, and the House being resolved into a Committee of the whole House,

to



1685. to consider of a Supply for his Majesty. The Lord Campden moved 300000*l.* to be given to the King for a Supply, which, with 200000*l.* confessed of what was given to suppress the late Rebellion, made 400000*l.* and was seconded by Sir J. E. who said, That 1200000*l.* was needful, and that such a Sum had been given before in the same Session, when there was an Address of this kind made to the late King.

Sir T. C. opposed this, and said, We have this Session already given Customs and Excises for his Majesty's Life.

*Additional Duty on Wines, 8 Years; Yearly 150000*l.**

*Tax on Sugar and Tobacco, 8 Years; Yearly 200000*l.**

*Tax on Linen and East-India Com-  
modities, 5 Years; Yearly 120000*l.**

*In All, 6000000.*

Let us give little now, to have Opportunity to give more another time; for if we give too much now, we shall have nothing left to give; and if we proceed thus, what we have will be taken from us.

He was seconded by Sir E. J. who alledged, to give 1200000*l.* now, because such a Sum has been given, is no Argument; once 2400000*l.* was given here; and therefore should it be so now? 1200000*l.* with what is already confess'd to be in Cash, 400000*l.* and that will maintain the Charge one Year and better; and giving all at once is doubting the Affection of the People.

My Lord P. was of another Opinion, saying, You voted a Supply last Night, and naming so little now, is not so ingenious a Way of Proceeding. We are told Six Millions have been this Sessions given; I would have you, Gentlemen, take Notice, the giving his Majesty what the late King had, is but settling a Revenue that before was not sufficient for the Support of the Government; what was given besides, was part for the late King's Servants, part for the Fleet and Stores, and part for suppressing the late Rebellion.

To give so little now, is not to enable the King to defend and preserve us, which he has promised to do. I am for 1200000*l.*

So was the Lord R. who spake to this Effect; The Question is for 200000*l.* or for 1200000*l.* What has been given in this Matter already ought not to be weighed at all; and what is called Six Millions had all Uses (when given) tack'd to it.

The

The Revenue his Brother had, had Uses enough, as, 1685.

The Wine and Vinegar Act, rated at Yearly 150000*l.*

For the Fleet, Stores, Ordnance and Servants.

The Sugar and Tobacco Act, rated at Yearly 200000*l.*

For the said Stores, Ordinary and Fleet—

And the Additional Duty on *French* Linnen, and *East-India* Commodities, rated at Yearly 120000*l.*

For Suppressing the late Rebellion—

So there are Uses for all that, and what is now given, must be taken for supporting the Forces—

And therefore I am for 1200000*l.*

Sir *W. C.* back'd him also in these Words: *Two Hundred Thousand Pounds is much too little: Soldiers move not without Pay. No Penny, no Pater-Noster.*

Mr. *E.* moved for 700000*l.* and mentioned to have it raised upon the new Buildings, which might produce 400000*l.* and a Poll-Bill for the other 300000*l.*

On the other Hand, Mr. *W.* was not for giving so much, and said, If I knew the King's Revenue were short, I would give as far as any Man; but now we are going for this particular Use, and if this 200000*l.* will not do, how can we be sure that 1200000*l.* will?

If we give too little now, hereafter, if we see Occasion, we may give more; but if we now give too much, I do not see how we shall ever have it again, tho' I have heard of such a Thing in *Q. Elizabeth's* Time.

The King (reckoning what he had of his own into it) has 600000*l.* Yearly more than that the late King had, and when there is Need I am for more, but now only for 400000*l.* and to raise that easie you will be put to it: How will you do it?

If you lay it upon Trade, that will make it Revenue, and when once in the Crown for some time, it will never get out again. I am for only 400000*l.* No more was the Lord *C.* saying, If the King wants 200000*l.* I would give him 200000*l.* but I am for giving no more than he really wants. And Mr. *W.* seem'd to be for less than either of them, his Words being; We give because we are asked; I am for the least Sum, because for an Army, and I would be rid of them as soon as I could; and am more now against it than I lately was, being satisfied that the Country is weary of the Oppression of the Soldiers, weary of Free Quarters, Plunder, and some Felons, for which they have no Complaint, no Redress: And since I heard Mr. *Blaithwait* tell us,

K

how

1685. how strict Rules were prescribed them by the King, I find by their Behaviour, the King cannot govern them himself, and then what will become of us?

Of the same Side was Sir *W. H.* saying, The Rebellion is suppressed, and the Army is urged to be small, but it is so thick of Officers, that by filling up the Troops, which is easily at any time done, increases their Number to a Third part more. I am for providing for them but one whole Year only, and only for 400000 *l.*

Mr. *C.* was also for giving the 400000 *l.* but insisted, We owe besides that a Duty to our Country, and are bound by that Duty to leave our Posterity as free in our Liberties and Properties as we can; and there being Officers now in the Army that have not taken the Test, greatly flats my Zeal for it, and makes me esteem the Militia, which if we well modelled, and placed in Mens Hands of Interest in their Country, we are certain, and so is the King secure; for there is no such Security of any Man's Loyalty, as a good Estate.

Reasons I have heard given against Armies, That they debauch'd the Manners of all the People, their Wives, Daughters, and Servants.

Men do not go to the Church where they Quarter, for fear of Mischief to be done at their Houses in their Absence.

Plow-men and Servants quit all Country Employments to turn Soldiers; and then a Court-Martial in Time of Peace, is most terrible.

In Peace, Justices of it, and the Civil Magistrate ought to Punish, if applied to.

And what Occasion then can be for them?

Is it to suppress a Rebellion in Time of an Invasion? All then will go towards that.

Or is it to assist his Allies? the House will give Aid when wanted on that Score.

The Guards I am not against, those shewed themselves useful in *Venner's* Business, and the late Rebellion; I am not against them, I only speak of those that have been new raised.

Col. *A.* was of another Opinion, and said, I'll tell you the Use of these Forces; they expected the Rising of a great Party, and were not these Forces standing to prevent a Rebellion, you would have one in few Days.

Mr.



Mr. B. added, If any Disorders have been committed, it is not yet too late to have them redressed; and Martial-Law (if by that cleared) does not hinder proceeding at Common Law for the same Thing. Four Hundred Thousand Pounds is not enough; no State near us in Proportion, but what exceeds this small Number of Men.

Sir T. C.'s Speech ran thus: Seven Millions of Men in *England*; the Strength of Men in *England* consists in our Natives, in which (for want of Men) *France* can never equal us; their Trade will not breed them; a Ship of 50 Tuns will carry 100000 *l.* of their Goods, Linen and Silks. Ours are bulky Goods, and employs 20 times more, unless you (by burdening of Trade) let them into the *West-Indies*. Armies are not manageable, Commanders have been often known to rebel: The Measure of our Supply is our Security.

His Majesty's Declaration says, If on Complaint the Officers give no Redress, then complain to the King; and so Justice is balked by this Hardship put upon the Complainant.

Sir W. T. moved to have it Temporary from Year to Year.

Sir C. M. said, Let it be to enable his Majesty to preserve us in Peace at Home, and to make his Majesty formidable Abroad, I am for 1200000 *l.* as a Supply answerable to the Loyalty of this House.

Sir H. C. opposed, saying, This House was so forward to give last time, that the King's Ministers gave their Stop to it.

And Sir J. W. alledged, The Use is to direct the *Quantum*. I see a present Necessity for continuing these Forces, till the Militia is made useful; I am for trying Two Years, and so for 400000 *l.* and so leave the Door open for coming hither to give another time.

On the other Hand, Sir T. M. said, the Principle of the Rebel Party is never to repent. I am for 1200000 *l.* and if so much be given, I would have you, Gentlemen, to remember the Fanaticks are the Cause of it.

And Mr. P. insisted, An Island may be attack'd, notwithstanding any Fleet: Ours is much mended, a Thousand Men daily at Work, ever since we had Money for it, and not one Man in it an Officer that has not taken the Test.

1685.

So did Col. O. saying, New Troops are not so good as old, and more subject to commit Disorders, but will be less so, when they are longer under Discipline. The King of France never sends Troops to his Army, till they have been Two or Three Years on Foot in a Garrison.

Lastly, When T. C. had said, The Train'd-Bands at Newberry Fight did brave Things. Then the Question was put, That a Sum not exceeding 400000 *l.* should be given to the King.

The previous Question was put; *Yea's* 167. *No's* 179. It was resolved in the Negative.

Then the Question was put for 700000 *l.* and no more. *Yea's* 212. *No's* 170. So it passed in the Affirmative.

The Question for 1200000 *l.* being thus waved, it was then order'd, That the Committee of the whole House should next Day proceed on his Majesty's Supply, and on Wednesday to consider of Heads for a Militia-Bill.

The House resolved it self into a Committee of the whole House, to consider the Way for raising his Majesty the Supply. And Mr. North being in the Chair, Sir J. E. mov'd, That an Additional Duty upon Wines might yield 400000 *l.* Yearly; and other Goods be named, about 600000 *l.* Yearly; which, with the Continuance for some Years of the late Act of Imposition on French Linens, and East-India Silks, &c. might make up the Sum; and told the House, He propos'd this Way to avoid a Land-Tax. The Goods nam'd to be rated were Soap, Potashes, to pay 7 *d.* Half-penny to treble; unwrought Silks, Deals, Planks, and other Boards, to double. Raisins and Pruans 2 *s.* per Cent. to double. Iron now pays 7 *s.* per Cent. to double. Copperas 18 *s.* per Cent. to double. Oils to 8 or 10 per Tun, pay now 30 *s.* Drugs will bear Two Thirds more than rated. Drugs and Spice from Holland, Salt, and all prohibited Goods 20 *l.* per Cent. And this I hope may do what is now intended to be raised at this Time, supposing 4 *l.* per Tun on French Wines.

Sir D. N. mov'd much to the same Effect, and enlarged on it, and said, The Book of Rates had been well consider'd, and these Goods capable of bearing the Duties propos'd; but if the King took the 4 *l.* per Tun on French Wines, at 20000 *l.* Yearly, he would be a Loser by it.

Other

Other Gentlemen insisted on having *French Linen* higher charged. The Pepper that is expended here paying One Penny a Pound Weight, might pay One Penny more, and so yield 70 or 80000 *l.* Yearly; and that Bullion exported to the *Indies* might bear 5 *l. per Cent.*, and encourage the sending of other Goods (in some measure) instead of it, thither. Sir R. T. moved Subsidies or Land-Tax, but the House inclined to what was proposed, and being consented to by the King's Ministers, seem'd contented with it; so was voted, That an Act for laying an Imposition on *French Linens, East-India Goods, Brandy, &c.* should be continued for Five Years, from *Midsummer* to 1690. and be given to his Majesty as 400000 *l.* And that an Imposition of 4 *l. per Tun* be laid upon all *French Wines*, on which to be raised 300000 *l.* which made up the 700000 *l.*

The Time how long this 4 *l. per Tun* should be laid was not yet determined, an Account being first to be brought from the Custom-House Books, of what Number of Tuns were Yearly imported; 'twas said 100000 Tuns: Others affirm'd, there were near double so many. The House seem'd to incline to 8 or 10 Years, and that the Duties already on it should still continue for the same time; which 4 *l. per Tun*, with the Duty it already paid, was near 20 *l. per Tun*.

And having adjourned till next Day, Mr. Speaker acquainted them, That his Majesty having been Yesterday attended in the *Banqueting-House* at *Whitehall*, with the Address of Thanks from this House, for his great Care and Conduct, in suppressing the late Rebellion; and likewise concerning the Officers of the Army not qualified for their Employments, was graciously pleased to return an Answer to the Effect following.

My Lords and Gentlemen,

I Did not expect such an Address from the House of Commons: For having so lately recommended to your Consideration the great Advantages a good Understanding between us had produced in a very short Time, and given you Warning of Fears and Jealousies amongst our selves. I had Reason to hope, that the Reputation God had blessed me with in the World, would have sealed and confirmed a good Confidence in you for me, and of all that I say to you.

King's  
Answer to  
the Com-  
mons Ad-  
dress a-  
bout the  
Popish  
Officers.



1685.

*But however ye proceed on your part, I will be steady in all my Promises I have made to you, and be just to my Word in this and all my other Speeches.*

The said Answer was read with all due Reverence and Respect, and there being a profound Silence in the House for some time after it, Mr. W. moved, That a Day might be appointed to consider on his Majesty's Answer to the late Address of this House, and named Friday next.

Mr. Cook stood up and seconded the Motion, and said, *He hoped we were all English Men, and not to be frightened out of our Duty by a few high Words.*

Lord P. took present Exceptions against the Words, which, as is usual, were writ down by the Clerk, and Mr. C. called upon to explain--- He said, He intended no Ill by it, and that he did not believe these the Words: And that if he had said any thing that had given the House Offence, he was sorry, and would ask them Pardon for it.

Upon this Sir C. M. answer'd, It is not enough to say, These are not the Words, but you are to say what the Words were.

Mr. C. replied, I do not make set Speeches; I cannot repeat them; and if they did drop from me, I ask the King and you Pardon.

So these being took for granted to have been the Words, Mr. C. as the Custom is in such Cases, withdrew into the Speaker's Chamber. And thereupon Sir J. T. said, Not our own Honour, but the King is concern'd in this; and moved, that he should be brought to the Bar, and there to receive a Reprimand from Mr. Speaker for it. This done,

Sir H. C. a Gentleman of great Loyalty, never before of the House, desired he might have what Favour he could. But Mr. A. answer'd, A great Reflection upon this House, if this be let pass. Then several spoke of his Loyalty, but none to excuse him for this. At last the Lord P. moved, to have him sent to the Tower. And the Lord M. seconded it, saying, The Meaning of this seems like an Incendiary. The Tower. This needs no Aggravation; a Reprimand for an Offence to this House might do, but this does not end there; and 'tis a Question whether it be in the Power of the House to pass it by, the Offence is given to the King, as well as to you:

you : I am for calling him to the Bar in the first place. But 'twas then order'd, That Mr. C. for his undecent Speech, should be sent to the *Tower*.

And then Mr. S. said, Now this is over, I cannot but consent with those who moved for a Day to consider of his Majesty's Answer; nor think my self so honest as I should be, if I now hold my Tongue. And if we do take this Matter into Consideration, I doubt not but we shall behave our selves with that Decency to his Majesty, that we may hope for a more satisfactory Answer, than as yet this seems to be to me.

On the other side, Sir J. E. opposed, and said, I hope that Acquiescence that was this Morning in this House, on reading his Majesty's Answer; has ended this Matter. I do think the King will do all what he promised, and am for resting there. Upon which Sir T. M. moved to adjourn, and said, He did not know what to say to it. And Sir T. C. alledged, For that very Reason I move for a Day to consider of it; and I do not think we shew that Respect we ought to do to the King, if we do not.

Then the House adjourned to the 19th, when the Committee appointed to search the Custom-House Books how many Tuns of *French Wines* were Yearly imported, reported to the House, That 4*l.* per Tun laid upon *French Wines*, would, all Deductions allowed, bring in Yearly 350000*l.* Whereupon it was resolved, That 4*l.* per Tun be laid upon *French Wines*, for the Raising of 300000*l.* should be continued from the 1st of *February*, 1685. Yearly, for Nine Years and a Half.

To which the House agreed, and Mr. Solicitor was order'd to bring in a Bill on the Debates of the House, with a Clause of a Loan, for the Imposition of 4*l.* per Tun for the said Nine Years and a Half, from the 1st of *December*, 1685.

This done, the House adjourn'd to the 20th, when a Message from the King, by the Gentleman-Usher of the Black-Rod, was brought them to attend him in the House of Pees, where the Lord-Chancellor told them, *He was commanded by his Majesty to let them know, that it was his Majesty's Pleasure, for many weighty Reasons, That Parliament should be Prorogued till the 10th Day of rogued.* February. But this Prince never met them, nor any other, more during his Reign.

1685.

L. B. Ger-  
ard try'd  
and con-  
demn'd.

After the Prorogation of the Parliament, we find not much Domestick News, besides Tryals, and one Execution still upon the Stage ; for upon the 26th of Nov. the L. *Brandon Gerrard* was brought to his Tryal at the *King's-Bench* Bar, for endeavouring to raise Rebellion, and to depose and destroy *Charles II.* and being found Guilty, within Two Days after, receiv'd Sentence of Death, but was afterwards pardon'd ; soon after Mr. *Bateman*, a Chyrurgeon, was Tryed at the *Old-Baily*, for the same Treason as the Lord *Brandon Gerrard*, being thought a Branch of the Meal-Tub Plot, and being found guilty, was soon after executed.

Upon the 15th of *Decem.* the Extraordinary *Venetian* Ambassadors made their Publick Entry through the City, from the *Tower* to *St. James's Square*, and about Three Days after were conducted to their Publick Audience, by the Earl of *Derby* and Sir *Cha. Cotterel*, with all the Honours which are usually given the Ambassadors of Crown'd Heads.

At the same time the Earl of *Clarendon* was sent Lord-Deputy for *Ireland* ; and Viscount *Teviot*, Colonel *Robert Philips*, and Mr. *Evelin* of *Deptford*, appointed to execute the Office of Lord Privy-Seal, during his Absence.

Affairs of  
*Ireland.*

But to look a little back into the Affairs of this Kingdom, we find that soon after K. *James's* Ascension to the Throne, and that the D. of *Ormond*, was divested of his Office of *Lord-Lieutenant*, (as we hinted before) that several worthy Officers of the standing Army in *Ireland*, were, for Reasons not known, cashier'd, as was my L. *Shannon*, Capt. *Fitz-Gerald*, Capt. *Richard Coote*, Sir *George St. George*, and into their Places were put Mr. *Kerny*, *Anderson*, *Sheldon*, *Graham*, and some others, most of them being of the *Roman Fraternity*. Soon after the Earl of *Clarendon* was sent *Lord-Lieutenant* thither, Col. *Richard Talbot* arrived in that Kingdom also, with the Honour and Title of Earl, the Office of *Lieutenant-General*, and *Check-Master* of the Army, and had Authority to place and displace whom he pleased, who accordingly forthwith put his Power in Execution, and issued out his Orders for modelling the Army, which were no sooner given but obey'd, and in all Places the Army drawn into the Field, and about 10 or 12 of the oldest Men pick'd out, and their Cloaths stript off, and their Arms given to *Irish* Papists before



before their Faces; and when those Parcels were disciplin'd, others were still pick'd out, and so from time to time, till the whole Army was weeded of its Protestants, and replenish'd with Roman Catholicks; the Troopers, as well as the Foot, fared no better; for their Horses, Boots, and other Accoutrements, bought with their own Money, were taken from them, and they sent (without ever a Penny of Money paid them) to go bare-footed, some, it may be, 100, others 150 Miles to their Friends or Homes, if they had any. Indeed, the Colonel seem'd to be very just, promising the Troopers both Money for their Horses, and the Arrears of their Pay, but they must go to *Dublin* to receive it; where he so order'd it, that they were oblig'd to wait till they had spent most of what was due to them, and after all put them off from time to time, so that most were forced to return, without any Money, to the Places from whence they came, or where they could get or earn their daily Sustenances.

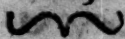
These were the Methods used, whereby 2 or 300 *English* Gentlemen, who had laid out most, if not all their Portions, and some contracted Debts for their Commissions, were turned out, without either apparent Cause or Reason; so were about 5 or 6000 Soldiers sent a Pilgrimaging, having nothing to trust to but the Charity of others, which in those Times was very cold, answerable to the Season of the Year, and the Climate of the Country.

All Things being now brought to this Pass, *Talbot* hasted for *England*, to give the King an Account of what was done, and Advise about future Matters. Whether the Proceedings pleased the King or not I am not to determine, but true it is, that *Talbot*, in the Beginning of *July* this Year, had the Recommendation of Bilhop *Tyrrel*, and others of the *Irish* Clergy, as appears by their following Letter, to be made Lord Deputy-General, and General Governour of *Ireland* (for Lord-Lieutenant he could not be, because born in *Ireland*) the Letter ran thus:

' Since it hath pleased the Almighty Providence, by placing your Majesty on the Throne of your Ancestors, to give you both Authority, and Occasion of exercising those Royal Vertues which alone do merit, and would acquire you the Crown to which you were *Ireland*.

*Talbot*  
recom-  
mended  
for Lord-  
Lieutenant of  
*Ireland*.

1685.



‘ were born: We, though comprehended in the general  
 ‘ Clemency and Indulgence, which you extend to the  
 ‘ rest of our fellow Subjects, are nevertheless, so remote  
 ‘ from your Majesty’s Presence, that our Prayers can  
 ‘ can have no Access to you, but by a Mediator. And  
 ‘ and of all others the Earl of *Tyrconnel* did first espouse  
 ‘ and chiefly maintain, these 25 Years last past, the  
 ‘ Cause of your poor distressed *Roman Catholick* Clergy,  
 ‘ against our many and powerful Adversaries; and is  
 ‘ now the only Subject of your Majesty, under whose  
 ‘ Fortitude and Popularity in this Kingdom, we dare  
 ‘ chearfully and with Assurance own our Loyalty, and  
 ‘ and assert your Majesty’s Interest, do make it our hum-  
 ‘ ble Suit to your Majesty, that you will be pleased to  
 ‘ lodge your Authority over us in his Hands, to the  
 ‘ Terror of the *Faction*, and Encouragement of your  
 ‘ faithful Subjects here; since his Dependance on your  
 ‘ Majesty is so great, that we doubt not but that they  
 ‘ will receive him with such Acclamations, as the long  
 ‘ captivated *Israelites* did their Redeemer *Mordecai*.  
 ‘ And since your Majesty in *Glory and Power* does equal  
 ‘ the mighty *Abashuerus*; and the *Vertue* and *Bounty* of  
 ‘ your Queen is a true Parallel to his adored *Hester*,  
 ‘ we humbly beseech she may be heard as our great Pa-  
 ‘ tronefs against that *Haman*, whose Pride and Ambition  
 ‘ of being honoured as his Master, may have hitherto  
 ‘ kept us in Slavery. And though we wish none the  
 ‘ Fate of so dreadful an Example, but rather a Peni-  
 ‘ tence and Conversion: We yet humbly crave your  
 ‘ Majesty’s Protection against such, if it may consist  
 ‘ with your Royal Wisdom and Pleasure, to which  
 ‘ we, with all Humility, submit, in the Establishing  
 ‘ of the said Earl of *Tyrconnel* in such Authority here,  
 ‘ as may secure us in the Exercise of our Function,  
 ‘ to the Honour of God, and offering up our Pray-  
 ‘ ers and Sacrifice for the Continuation of your Ma-  
 ‘ jesty’s long and prosperous Reign over us.

Dublin, the — of July, 1685.

Your Majesty’s most Dutiful  
 and Obedient Subjects.

Talbot  
 made E. of  
*Tyrconnel*.

Talbot, though he was made Earl of *Tyrconnel* some  
 time before the Date of this Letter, which I cannot  
 find as to the particular Day of the Month, yet he did  
 not

1685.

not so soon obtain to be Lord-Deputy; but the Earl of *Clarendon* having an Account of what Progress they made, and suspecting what might, and indeed did follow, resolved before his being divested of his being Lord-Deputy, to consecrate the Chappel in the new Hospital at *Dublin*, built for the Use of old and decrepid Soldiers, and accordingly did it, before well finished, hoping thereby to prevent it from being converted to the Exercise of the *Popish Idolatry*; but *Tyrconnel* (for so we must call him now) soon removed that Scruple, and forthwith, after the Earl's Departure out of the Kingdom, with the chief of the *Popish Clergy* in *Dublin*, with Whips and Scourges, entred the said Chappel, and after their superstitious Custom, fell to *lashing the Walls and Floors*, to *whip out Heresie* (as they call it) pulled down the Communion-Table and Seats, and erected in it an Altar, and took 3 or 4 of the old Soldiers Rooms adjoining to it, for the Priests and Fryars, and while they exercised in the Chappel, the old Soldiers, for whose Use and with whose Money it was built, were forced to have their Devotion in the open Hall, where they used to dine before; and hereupon all the Protestant Chaplains in the Army were casheer'd, and Popish ones put in their Places, who now began to wear black Cloaks, made much like the Ministers Gowns.

But to leave this unhappy Climate for a while, we will return to *England*, where we find, that upon the 30th of Dec. *John Hampden*, Esq; was arraign'd at the *Mr. Hampden's Trial* *Old-Bailly*, for the same *Meal-Tub* Treason as *Bateman*, who not thinking it worth his while to contend, as having Experience of their Justice once already, pleaded *Guilty*, and casting himself upon the King's Mercy, had Sentence of Death past upon him.

The Lord *Delamere* had the best Fortune of them all, for his Lordship being brought to his Tryal before the My Lord Lord Chancellor *Jeffreys*, constituted L. High-Steward *Delamere* for the Time being, upon an Indictment of High-tryed and Treason, for conspiring to raise a Rebellion against *James II.* was acquitted by his Peers, it plainly appearing upon the Tryal, that *Thomas Saxon*, who was a Witness against his Lordship, was Perjur'd; for which Perjury he was afterwards tryed himself, and being convicted, suffered according to Law.

The Earl of *Stamford* likewise, upon his humble Petition for the Attorney-General to allow of Bail, for his Ap-



1685.

Appearance at the Lords Bar the First Day of the next sitting of Parliament, was at length brought up by *Habeas Corpus* into the Court of *King's-Bench*, where Bail was taken for him, with this Addition, That he was likewise to appear at the Council-Board when he should be thereto required: However, at length his Lordship was pardon'd, and so his Bail was discharged.

1686.

Now we will return to *Scotland*, and begin this Year with a Narration of what had been acted there; we find that towards the Latter end of *April*, the Earl of *Murray* was sent a new High-Commissioner into that Kingdom, to be present at the Parliament that was to meet by Adjournment, the 29th of the same Month; which being come, after the Opening of the Sessions, then the King's Letter was read, and is the same that here follows.

*My Lords and Gentlemen,*

King's  
Letter to  
the *Scotch*  
Parlia-  
ment.

THE great Testimonies we had of your Loyalty and Affection to our Royal Person and Government at your last Session (in which you not only made an humble Offer of your Duty in ample Manner, and shew'd your Abhorrence of the Rebellion then raised against Us, and your Readiness on that, and all other Occasions, to stand by us with your Lives and Fortunes) but wisely considering how much the Forces which former Parliaments had given us Supplies to maintain, supported by your Assistance, and blessed be God, were Instrumental in ending that unnatural Rebellion; you gave us the Occasion, by augmenting your Supplies, to add to our Forces, and consequently, to your own Security, for all which, as we then return'd you our most Hearty and Royal Thanks, and considered you the Examples to our other Subjects of Loyalty, Duty and Affection to us, (as you had been in our former Difficulties) so it stirred up in us an ardent Desire of making such Returns unto you, as might every way make you find the Advantage of your Faithfulness and Duty to us.

It is for this End that we have again desired to meet you in this Session.

We have consider'd your Interest, as much as our Distance from you could bring into our Prospect, and those Things which we found proper for it, whether in Relation to Trade and Commerce, or easing some Things

1686.

‘ Things uneasie to you among your selves, we have  
 ‘ fully instructed our Commissioner (with your Advice  
 ‘ and Consent) to conclude so, as may be most for the  
 ‘ general Good of that our ancient Kingdom.

‘ We have made the opening of a free Trade with  
 ‘ *England*, our particular Care, and are proceeding in  
 ‘ it with all imaginable Application, and hopeful in a  
 ‘ short time, to have considerable Advantages made in  
 ‘ it. We have considered the Trouble that many are  
 ‘ put to daily, by Prosecutions before our Judges, or  
 ‘ the Hazard that they lie under for their Accession to  
 ‘ the late Rebellions: And to shew the World (even  
 ‘ our greatest Enemies themselves) that Mercy is our  
 ‘ Inclination, and Severity what is by their Wickedness  
 ‘ extorted from us, we have sent down to be past in  
 ‘ your Presence, our full and ample Indemnity for all  
 ‘ Crimes committed against our Royal Person and Au-  
 ‘ thority. And whilst we shew these Acts of Mercy to  
 ‘ the Enemies of our Person, Crown, and Royal Digni-  
 ‘ ty, we cannot be unmindful of others our innocent  
 ‘ Subjects, those of the Roman Catholick Religion, who  
 ‘ have, with the Hazards of their Lives and Fortunes,  
 ‘ been always assistant to the Crown in the worst of Re-  
 ‘ bellions and Usurpations, though they lay under Dis-  
 ‘ couragements hardly to be named. Them we do  
 ‘ heartily recommend to your Care, to the End that as  
 ‘ they have given good Experience of their true Loyal-  
 ‘ ty and peaceable Behaviour, so by your Assistance they  
 ‘ may have the Protection of our Laws, and the Secu-  
 ‘ rity under our Royal Government, which others of  
 ‘ our Subjects have, not suffering them to lie under  
 ‘ Obligations, which their Religion cannot admit of.  
 ‘ By doing whereof, you will give a Demonstration of  
 ‘ the Duty and Affection you have for us, and do us  
 ‘ most acceptable Service.

‘ This Love we expect you will shew to your Bre-  
 ‘ thren, as you see we are an indulgent Father to you all.

‘ For these and such other Matters as we conceive  
 ‘ for our Service, and the universal Good of the Nation,  
 ‘ we have sent our Right Trusty, and Right Entirely  
 ‘ Beloved Cousin and Counsellor, *Alexander*, Earl of  
 ‘ *Murray*, Secretary of State for that our ancient King-  
 ‘ dom, our Commissioner to you, believing that none  
 ‘ will be more acceptable than one so immediately em-  
 ‘ ploy’d and trusted about our Person, of whose long  
 ‘ and

1686. and faithful Services we have full Experience in every one of the several Employments he has been in, and of whose Loyalty and Affection to our Person and Service we are fully convinced. To him we desire you to give entire Credit, as one fully instructed and trusted by us, from whose Experience and faithful Endeavours, with your Loyalty, Love and Duty to us, we have good Reason to expect a happy Conclusion to this Session: And you may assure your selves in general, and every one of you in particular, That we shall have both the general Concern of the Nation, and yours in our most particular Regard, which we shall express by our Royal Favour upon all suitable Occasions. So not only expecting your Compliance with us, but that by the Manner of it, you will shew the World your Readiness to meet our Inclinations, we bid you most heartily Farewel.

*Given at Our Court at Whitehall, the 12th Day of April, 1686. and of Our Reign the Second Year.*

By His Majesty's Command,

MELFORT.

High-  
Commis-  
sioner's  
Speech.

This done, the High-Commissioner took his Place, and delivered himself to this Effect. In the first place he set forth, How sensible the King was of their Loyalty and Zeal for his Service, and of their signal Affections to his Person and Interest. He further proceeded to let them understand how graciously his Majesty was resolved, That they should all share in their several Stations, of the Effects and Influences of his Royal Care and Protection: In order to which, he assured them, That the King was endeavouring with all imaginable Care, to open a free Intercourse of Trade between *England* and *Scotland*. And that whereas the King was inform'd how much the Kingdom of *Scotland* suffer'd by the Importation of *Irish* Cattle and Victuals, he was fully instructed to Consent to whatever might free them from that Inconveniency. And whereas the King was also inform'd, That the Want of an open Mint was a great Prejudice to Trade, he had full Power to assent to what they should think just and reasonable in that Point. He further inform'd them, That the King at that time did not demand any further Supplies,



plies, being fully convinced, that their Alacrity had prompted them already to give all that was convenient for them to spare. He had also full Power to consent to all such Laws and Regulations as might exact Payment to the Country from all his Officers and Soldiers in their Quarters: That he was fully impowered to consent to an Act of Oblivion, only with some necessary Exceptions. He concluded at last, That after all these Royal Favours, they should send him back to his Great and Royal Master, with the good Tydings of the continued Loyalty of his Ancient Kingdom; by which they should shew themselves the best and the most affectionate Subjects, to the Best, the most Incomparable, and most Heroick Prince in the World. The Meaning of the last Words of the Commissioner, was undoubtedly the King's recommending to them, as aforesaid, his Roman Catholick Subjects, who had with their Lives and Fortunes been always assistant to the Government, in the worst of Rebellions and Usurpations, though they lay under Discouragements hardly to be named. These he heartily recommended to their Care, to the End that as they had given good Experience of their true Loyalty and peaceable Behaviour, so by their Assistance they might have the Protection of his Laws, and that Security under his Government which others of his Subjects had, not suffering them to lie under Obligations which their Religion could not admit of; by doing whereof they would give a Demonstration of the Duty and Affection they had for him, and do him most acceptable Service. this Love he expected they would shew to their Brethren, as he was an indulgent Father to them all.

This being done in *Scotland*, we'll leave their Parliament to consider of it, and return to *England*, where we find, that on the 10th of *May* the Parliament met, and was prorogued to the 22d of *Nov.* And on the 14th of *May* the King and Queen, with the whole Court, removed to *Windsor*, where her Royal Highness the the Princess *Ann* of *Denmark* was safely brought to Bed of a Daughter, which was Christned by the Bishop of *Durham*, by the Name of *Anna Sophia*, the Earl of *Faversham* being God-father, and the Lady *Roscommond* and the Lady *Churchil* God-mothers; but she died towards the latter end of the Year, and was buried in

*Henry*

1686. *Henry VII's Chappel. On the same Day at London,*  
*Miles Prance* was brought to the *King's-Bench Bar*, and  
 an Information was brought against him, of wilful and  
*notorious Perjury*, as to the Evidence he gave at the Try-  
 als of *Green, Berry and Hill*, relating to the Murther of  
*Sir Edmundbury Godfrey*; to which the Prisoner, in  
 Hopes to mitigate his Punishment, pleaded Guilty;  
 but upon the 15th of *June* he received Sentence, which  
 was to pay 100 l. Fine, to be brought to all the Courts  
 in *Westminster*, with a Paper in his Hat declaring his  
 Offence; to stand in the Pillory before *Westminster-Hall-  
 Gate*, at the *Royal-Exchange* and at *Charing-Cross*, to be  
 whipped from *Newgate* to *Tyburn*, and to be committed  
 in Execution till he paid his Fine. Only the Whip-  
 ping from *Newgate* to *Tyburn* was, for his Confession,  
 abated him.

Mr. *John-son* try'd. Soon after *Samuel Johnson* was brought to his Tryal  
 at the *King's-Bench Bar*, upon an Information of High  
 Misdemeanor, for writing and publishing Two scanda-  
 lous and seditious Libels, being, *His humble Address to all  
 English Protestants in the Army*; and being found guilty,  
 he received Judgment to stand in the Pillory at *West-  
 minster-Hall, Charing-Cross* and the *Royal-Exchange*, to pay  
 a Fine of 500 Marks, and to be whipped from *Newgate*  
 to *Tyburn*; but he being a Clergy-man, was first de-  
 graded before the Execution of the Sentence.

While these Things were acted at Court, the King  
 took great Delight to be at *Hounslow-Heath*, where his Ar-  
 my was, under the Command of the Earl of *Feversham*,  
 in the Quality of Lieutenant-General.

This Summer his Majesty was pleased to take his  
 Progress into the *West*; a particular Journal of which  
 (being it was attended with no extraordinary Remark-  
 ables) I will purposely omit.

Earl of *Castlemain* sent Am-  
 bassador to *Rome*. At this Time the Lord *Castlemain*, who was sent Am-  
 bassador to the Pope, was very solicitous at that  
 Court, in the King his Master's Name, for a Cardi-  
 nal's Cap for the Prince of *Modena, Rinaldo d'Este*, to  
 which, notwithstanding the Potency and Orthodoxy  
 (as they call'd it) of the Monarch that recommended it  
 to his Holiness, he would not comply; however, the  
 Consistory laboured very much with the Pope, by  
 laying down before him the most convincing Argu-  
 ments to induce him to a Condescension; insomuch  
 that the Pope being press'd upon with a great deal of  
 Im-

Importunity, made Answer, That the Difficulty did not lie in the Person, but only in this, that he was resolved to advance no Man singly, till a general Promotion; upon which the Ambassador *Castlemain* going out of the Chamber, could not forbear saying, *That since his Holiness was so stiff upon this Particular, he would not trouble him any more about it.* But to return Home, some time this Summer there was a Report raised, *That England had made a private Agreement with the Algerines, without the Consent and to the Prejudice of the Hollanders, under Pretence that those Pyrates had been admitted into the Ports of England to sell the Prizes taken from the Dutch.* But the King, apprehensive of the dangerous Consequence of such a Report, if pass'd for Truth, put forth a strict Prohibition, *That no Prizes taken from the Dutch by the Algerines should be sold in any English Harbour, nor that they should be permitted to furnish themselves with Provisions and Ammunition in any Ports of his Dominions.*

Now the King having conven'd the Twelve Judges of England, and demanded their Opinion, whether his Majesty could dispence with any Person from taking the Oath and Test, before he were admitted to hold any Office or Place of Trust in the Kingdom, after a considerable Debate upon the Subject, all the Judges, except one, unanimously concluded, 1. *That the King was an independent Prince.* 2. *That the Laws of the Kingdom were the King's Laws.* 3. *That the Kings of England might dispence with all Laws that regarded Penalties and Punishments, as oft as Necessity required.* 4. *That they were Judges and Arbitrators, who had Power to judge of the Necessity, which might induce him to make use of those Dispensations.* And Lastly, *That the Kings of England could not renounce the Prerogatives annex'd to the Crown.*

By Virtue of these Concessions and Opinions of the Judges, a Gate was opened to the Roman Catholicks to enter into all Employments of the Kingdom. Hereupon the King, to make use of his Prerogative allow'd him by the Judges, grants a Commission of Ecclesiastical Affairs, which came out the Third Day of *August*, and for the better understanding of which, it is here inserted, and left to the Reader's candid Construction.



1686.

Ecclesia-  
stical  
Commis-  
sion.

TO the most Reverend Father in God, our Right Trusty and Right Well-beloved Counsellor, *William*, Lord Archbishop of *Canterbury*, Primate of all *England* and Metropolitan; and to our Right Trusty and Well-beloved Counsellor, *George* Lord *Jeffreys*, Lord-Chancellor of *England*; and to our Right Trusty and Right Well-beloved Councillor, *Lawrence*, Earl of *Recheſter*, Lord High-Treasurer of *England*; and to our Right Trusty and Right Well-beloved Cousin and Counsellor, *Robert*, Earl of *Sunderland*, President of our Council, and our Principal Secretary of State; and to the Right Reverend Father in God, and our Right Trusty and Well-beloved Counsellor, *Nathaniel*, Lord Bishop of *Dureſme*; and to the Right Reverend Father in God, our Right Trusty and Well-beloved, *Thomas*, Lord Bishop of *Rocheſter*; and to our Right Trusty and Well-beloved Counsellor, Sir *Edward Herbert*, Knight, Chief-Justice of the Pleas before us to be holden, assign'd, Greeting. We, for divers good, weighty and necessary Causes and Considerations, us hereunto especially moving, of our meer Motion and certain Knowledge, by Force and Vertue of our Supream Authority and Prerogative Royal, do assign, name and authorize, by these our Letters Patents under the Great Seal of *England*, you the said Lord Archbishop of *Canterbury*, Lord-Chancellor of *England*, Lord High-Treasurer of *England*, Lord President of our Council, Lord Bishop of *Dureſme*, Lord Bishop of *Rocheſter*, and our Chief-Justice aforesaid, or any Three or more of you, whereof you the said Lord-Chancellor to be one from time to time, and at all Times during our Pleasure, to exercise, use, occupy and execute under us, all manner of Jurisdiction, Privileges and Preeminences, in any wise touching any Spiritual or Ecclesiastical Jurisdictions within this our Realm of *England* and Dominion of *Wales*, and to visit, reform, redress, correct and amend all such Abuses, Offences, Contempts and Enormities whatsoever, which by the Spiritual or Ecclesiastical Laws of this Realm can, or may lawfully be reform'd, ordered, redressed, corrected, restrained or amended, to the Pleasure of Almighty God, and Encrease of Vertue, and the Conservation of the Peace and Unity of this Realm. And we do

here

' hereby give and grant unto you, or any Three or  
 ' more of you, as aforesaid, whereof you the said  
 ' Lord Chancellor to be one, thus by us named, as-  
 ' signed, authorized and appointed, by Force of our  
 ' supream Authority and Prerogative Royal, full Pow-  
 ' er and Authority from time to time, and at all Times  
 ' during our Pleasure, under us to exercise, use and  
 ' execute all the Premises, according to the Tenor  
 ' and Effect of these our Letters Patents, any Matter  
 ' or Cause to the contrary in any wise notwithstanding.  
 ' And we do by these Presents give full Power and Au-  
 ' thority unto you, or any Three or more of you, as is  
 ' aforesaid, whereof you the said Lord-Chancellor to  
 ' be one, by all lawful Ways and Means from time to  
 ' time hereafter, during our Pleasure, to enquire of all  
 ' Offences, Contempts, Transgressions and Misdemea-  
 ' nors, done and committed contrary to the Ecclesia-  
 ' stical Laws of this our Realm, in any County, City,  
 ' Borough, or other Place or Places, exempt or not  
 ' exempt, within this our Realm of *England* and Do-  
 ' minion of *Wales*, and of all and every of the Offender  
 ' or Offenders therein. and them and every of them,  
 ' to order, correct, reform and punish, by Censure of  
 ' the Church. And also we do give and grant full  
 ' Power and Authority unto you, or any Three or  
 ' more of you, as is aforesaid, whereof you the said  
 ' Lord-Chancellor to be one, in like manner as is afore-  
 ' said, from time to time, and at all Times during our  
 ' Pleasure, to enquire of, search out, and call before  
 ' you and every Ecclesiastical Person or Persons, of  
 ' what Degree or Dignity soever, as shall offend in any  
 ' of these Particulars before-mentioned; and them and  
 ' every of them to correct and punish for such their  
 ' Misbehaviours and Misdemeanors, by suspending or  
 ' depriving them of all Promotions Ecclesiastical, and  
 ' from all Functions in the Church, and to inflict such  
 ' other Punishments or Censures upon them, according  
 ' to the Ecclesiastical Laws of this Realm. And fur-  
 ' ther, we do give full Power and Authority unto you,  
 ' or any Three or more of you, as is aforesaid, where-  
 ' of you the said Lord-Chancellor to be one, by Vir-  
 ' tue hereof, and in like Manner and Form as is afore-  
 ' said, to enquire, hear, determine and punish all In-  
 ' cest, Adulteries, Fornications, Outrages, Misbeha-

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viours and Disorders in Marriage, and all other Grievances, and great Crimes and Offences which are punishable, or reformatable by the Ecclesiastical Laws of this our Realm, committed or done, or hereafter to be committed or done in any Place, exempt or not exempt, within this our Realm, according to the Tenor of the Ecclesiastical Laws in that Behalf; granting you, or any Three or more of you, as is aforesaid, whereof you the said Lord-Chancellor to be one, full Power and Authority to order and award such Punishment to every such Offender, by Censures of the Church, or other lawful Ways, as is aforesaid. And further, we do give full Power and Authority to you, or any Three or more of you, as is aforesaid, whereof you the said Lord-Chancellor to be one, to call before you, or any Three or more of you, as aforesaid, whereof you the said Lord-Chancellor to be one, all and every Offender and Offenders, in any of the Premises; and also all such as by you, or any Three or more of you, as is aforesaid, whereof you the said Lord-Chancellor to be one, shall seem to be suspected Persons in any of the Premises, which you shall object against them, and to proceed against them, and every of them, as the Nature and the Quality of the Offence, or Suspicion in that Behalf, shall require; and also to call all such Witnesses, or any other Person or Persons that can inform you concerning any of the Premises, as you, or any other Three or more of you, as is aforesaid, whereof you the said Lord-Chancellor to be one, and them and every of them, to examine upon their Corporal Oaths, for the better Tryal and Opening of the Truth of the Premises, or any part thereof. And if you, or any Three or more of you, as is aforesaid, whereof you the said Lord-Chancellor to be one, shall find any Person or Persons whatsoever obstinate or disobedient to their Appearance before you, or any Three or more of you, as is aforesaid, whereof you the said Lord-Chancellor to be one, at your Commandments, or else in not obeying or not accomplishing your Orders, Decrees and Commandments, or any thing touching the Premises, or any part thereof, or any other Branch or Clause contain'd in this Commission, that then you, or any Three or more of you,



' as aforesaid, whereof you the said Lord-Chancellor 1686.  
 ' to be one, shall have full Power and Authority to  
 ' punish the same Person or Persons offending, by Ex-  
 ' communication, Suspension, Deprivation, or other  
 ' Censures Ecclesiastical: And when any Persons shall  
 ' be convented or prosecuted before you, as aforesaid,  
 ' for any of the Causes above-expressed, at the Instance  
 ' or Suit of any Person prosecuting the Offence in that  
 ' Behalf, that then you, or any Three or more of you,  
 ' as aforesaid, whereof you the said Lord-Chancellor  
 ' to be one, shall have full Power and Authority to a-  
 ' ward such Costs and Expences of the Suit, as well to  
 ' and against the Party, as shall prefer, or prosecute the  
 ' said Offence, as to and against the Party or Parties  
 ' that shall be convented, according as their Causes  
 ' shall require, and to you in Justice shall be thought  
 ' reasonable. And further, our Will and Pleasure is,  
 ' That you assume our Well-beloved *William Bridg-*  
 ' *man*, Esq; one of the Clerks of our Council, or his  
 ' sufficient Deputy or Deputies in that Behalf, to be  
 ' your Register, whom we do by these Presents depute  
 ' to that Effect, for the Registring of all your Acts,  
 ' Decrees, and Proceedings, by Virtue of this our Com-  
 ' mission; and that in like manner, you, or any Three  
 ' or more of you, whereof you the said Lord-Chancel-  
 ' lor to be one, by your Discretions shall appoint one  
 ' or more Messengers, and other Officer or Officers,  
 ' necessary and convenient to attend upon you for any  
 ' Service in this Behalf. Our Will and express Com-  
 ' mandment also is. That there shall be Two Paper-  
 ' Books indented and made, the one to remain with  
 ' the said Register, or his sufficient Deputy or Deputies,  
 ' the other with such Persons, and in such Places as you  
 ' the said Commissioners, or any Three or more of you,  
 ' whereof you the Lord-Chancellor to be One, shall in  
 ' your Discretion think most fit and mete, in both  
 ' which Books shall be fairly entred all the Acts, De-  
 ' crees and Proceedings made or to be made, by Virtue  
 ' of this Commission. And whereas our Universities  
 ' of *Oxford* and *Cambridge*, and divers Cathedral and  
 ' Collegiate Churches, Colleges, Grammar-Schools, and  
 ' other Ecclesiastical Incorporations have been erected,  
 ' founded, and endowed by several of our Royal Pro-  
 ' genitors, Kings and Queens of this Realm, and some  
 ' others,

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others, by the Charity and Bounty of some of their Subjects, as well within our Universities, as other Parts and Places, the Ordinance, Rules and Statutes whereof are either imbezzled, lost, corrupted, or altogether imperfected; We do therefore give a full Power and Authority to you, or any Five or more of you, of whom we will you the afore-named Chancellor always be one, to cause and command in our Name, all and singular the Ordinances, Rules and Statutes of our Universities, and all and every Cathedral and Collegiate Churches, Colleges, Grammar-Schools, and other Ecclesiastical Incorporations, together with their several Letters Patents, and other Writings, touching, or in any wise concerning the several Erections or Foundations, to be brought and exhibited before you, or any Five or more of you, as is aforesaid, whereof you the said Lord-Chancellor to be one; willing, commanding and authorizing you, or any Five or more of you, as aforesaid, whereof you the said Lord-Chancellor to be one, upon the Exhibiting, and upon diligent and deliberate View, Search and Examination of the said Statutes, Rules and Ordinances, Letters Patents and Writings, as is aforesaid, the same to correct, amend and alter. And also, where no Statutes are extant in all or any of the aforesaid Case, to devise and set down such good Orders and Statutes, as you, or any Five or more of you, as is aforesaid, whereof you the said Lord-Chancellor to be one, shall think meet and convenient to be by us confirmed, ratified, allow'd and set forth, for the better, Order and Rule of the said Universities, Cathedrals and Collegiate Churches, Colleges and Grammar-Schools, Erections and Foundations, and the Possessions and Revenues of the same, as may best tend to the Honour of Almighty God, Increase of Vertue, Learning and Unity in the said Places, and the publick Weal and Tranquility of this our Realm. Moreover, our Will, Pleasure and Commandment is, That our said Commissioners, and every of you, shall diligently and faithfully execute this our Commission, and every Part and Branch thereof, in Manner and Form aforesaid, and according to the true Meaning hereof, notwithstanding any Appellation, Provocation, Privilege or Exemption in that

Be-

' Behalf, to be made, pretended or alledged by any 1686.  
 ' Person or Persons, resident or dwelling in any Place  
 ' or Places, exempt or not exempt, within this our  
 ' Realm, any Laws, Statutes, Proclamations or Grants,  
 ' Privileges or Ordinances, which be, or may seem to  
 ' be contrary to the Premises notwithstanding. And  
 ' for the better Credit and more manifest Notice of  
 ' your doing in Execution of this our Commission, our  
 ' Pleasure and Commandment is, That to your Let-  
 ' ters Missive, Processess, Decrees, Orders and Judgments,  
 ' for or by you, or any Three or more of you, as is a-  
 ' foresaid, to be awarded, sent forth, had, made, decreed,  
 ' given or pronounced, at such certain publick Places,  
 ' as shall be appointed by you, or any Three or more  
 ' of you, as is aforesaid, for the due Execution of this  
 ' our Commission, or some Three or more of you, as  
 ' is aforesaid, whereof the said Chancellor to be one,  
 ' shall cause to be put and fixed a Seal engraven with  
 ' the Rose and Crown, and the Letter J. and Figure 2.  
 ' before, and the Letter R. after the same, with a Ring  
 ' or Circumference about the same Seal, containing as  
 ' followeth, *Sigillum Commissariorum Regiæ Majestatis*  
 ' *ad Causas Ecclesiasticas*. Finally, We will and com-  
 ' mand all and singular other our Ministers and Subjects,  
 ' in all and every Place and Places, exempt or not ex-  
 ' empt, within our Realm of *England* and Dominion  
 ' of *Wales*, upon any Knowledge or Request from you,  
 ' or any Three or more of you, as is aforesaid, to them  
 ' or any of them given or made, to be aiding, helping  
 ' and assisting unto you, and to your Commandment,  
 ' in, and for the due Executing your Precepts, Letters,  
 ' and other Processess requisite in, and for the due Exe-  
 ' cuting of this our Commission, as they and every of  
 ' them, tender our Pleasure and Will, to answer the  
 ' contrary at their utmost Perils. In Witness, &c.

Here it is to be observed, that the Archbishop of  
*Canterbury*, who was first named in it, refused to act,  
 and in his Room the Bishop of *Chester* was put in, as al-  
 so was the Lord Chief-Justice *Wright*, and Baron *Jen-*  
*ner* in the Room of Two others. The Commission be-  
 ing open'd some time after, viz. the Beginning of *Sept.*  
 this Year, Complaint was made to the King, That  
*Dr. Sharp*, Rector of *St. Giles*, had, contrary to his



1686. Royal Command and Directions to the Archbishops of *Canterbury* and *York*, &c. presumed to make unbecoming Reflections on him and his Government, on purpose to bring the People into an ill Opinion of both; and therefore he required and commanded the Bishop to suspend him forthwith from Preaching in any Part of his Diocess, till Satisfaction given, and the King's Pleasure further known. In Answer to the King's Letter, my Lord Bishop modestly excused himself in a Letter directed to the Earl of *Sunderland*, which was sent by Dr. *Sharp* to the Earl, then at *Windsor*, where the King lay. The Substance of the Bishop's Letter was (after he had expressed his Readiness to yield Obedience to the King in all Things he could do with a safe Conscience) that it was impossible for him to comply with his Majesty's Commands, when the Proceeding was contrary to Law; since being to be a Judge in the Case, no Judge could condemn any Man before he had Knowledge of the Cause, and had heard (according to the Rule of Justice) what the Prisoner could say in his own Defence. However, that he had sent to the Doctor, and inform'd him of the King's Displeasure, and found him ready to give all Satisfaction to his Majesty. To which Purpose he had made him the Bearer of his Letter; no doubt, in Hopes of being introduced into the King's Presence, that the Doctor might have an Opportunity to clear himself. But neither could the Doctor obtain Admittance, nor the Bishop a Return of his Answer to the King's Commands.

The Doctor therefore seeing it was to no purpose to wait for Admittance, returned to *London*, and immediately consulted what might be the best Expedient to mitigate the King's Displeasure, and avoid the dangerous Effect thereof: Within a Day or two the Doctor drew up a Petition to the King, with which he hasten'd to Court again; setting forth his great Misfortune to lie under his Majesty's Censure, by reason of which, he had ever since Notice given him, abstain'd from all publick Exercise of his Function, and therein he declar'd how, like a loyal Subject, he had endeavour'd in his Station to serve his Majesty himself, and the late King his Brother, and that he had been so far from venting any thing from his Pulpit, that might tend to the Disturbance of his Majesty's Government, that he had always  
made

made it his Business to oppose all sorts of Doctrines and Principles that tended that way. But if any Expression had unwarily slip't from him, that might have been capable of giving his Majesty Offence, he expressed and testified his Sorrow for so doing, and his Resolutions for the future to be more careful of his Duty, professing withal, that he had no ill Intent in what he had said.

And therefore pray'd, that his Majesty would pass by what was past, and restore him to his Favour again. The Doctor try'd for all Means, and waited for all Opportunities to deliver his Petition to the King himself, but could not effect it.

Now comes the Commission Ecclesiastical, that was to be put in Execution; for all this while the High Commissioners finding that the Doctor was not suspended by the Bishop, as commanded by the King's Letter, the Bishop had a Citation to make his Appearance before them, to answer to such Matters as should be laid to his Charge. His Lordship accordingly on the 4th of *August* appear'd in the Council-Chamber at *White-hall*, where were present the Lord-Chancellor, the Bishops of *Durham* and *Rocheſter*, the Lord-Treasurer, Lord-President, and Lord-Chief-Justice *Herbert*; upon the Bishop's appearing before them, the Lord-Chancellor directing his Speech to him, spake, That the Lords there present had received Order to inspect all *Ecclesiastical Affairs* and Persons, and had commanded him to call his Lordship before them, and therefore desired his Lordship to give a positive and a direct Answer to his Question, What the Reason was he did not suspend *Dr. Sharp*, when the King had sent him express Orders so to do, and had told him, that it was for Preaching seditiously, and against the Government? To which his Lordship replied, *That true it was, he had received such an Order, and that if he had done contrary to his Duty, it was his Ignorance, and not a wilful Neglect; that he had been always ready to serve his Majesty; but if in this Affair he had not complied, it was because he was told he could not legally do it.* The Lord-Chancellor answered, That his Lordship ought to know the Law, and that it was a Wonder he did not; however, that the King was to be obey'd, and therefore if his Lordship had any thing to say, the Court was ready to hear him. Then the Bishop desired a Copy of the Commission, and of his Charge, and an Allowance of Time

1686. to provide for his Defence; for he was ignorant then of his Charge, and of consequence unprovided for his Defence. To this the Chancellor replied, That if by desiring a Copy of the Commission his Lordship design'd to quarrel with the Jurisdiction of the Court, he knew what further to say; otherwise, that as no Copy could be granted, so it was unreasonable for his Lordship to desire it, since it might be had in every Coffee-House for a Penny; and made no question but his Lordship had seen it. Here the Bishop protested that he had not seen it, or desired it with any Intent to dispute the Legality of the Court, but because it was altogether new to him; and therefore he hoped that something might be found therein that might be advantageous or instructive to him, in order for his Answer. Then he desired that he might have the Privilege to read the Commission himself, or at least to hear it read. The Chancellor said, That it did not lie in his Power to grant that Request of himself: Hereupon the Bishop and all the Company had Orders to withdraw for a Quarter of an Hour, and then returning, the Chancellor acquainted his Lordship, That the Commissioners were of Opinion, that his Request was unreasonable, since if every one that appear'd before them, should challenge a Sight of their Commission, it would be too great a Waste of their Time, and they were Men of Business; and so he put the Question again to the Bishop, in short, why he did not obey the King. Here his Lordship insisted, *Tho' it was but a short Question, yet it required more Words to answer*; desiring the Court withal to consider, that he was a Peer, a Bishop, and one that had a Publick Trust, and therefore was willing to behave himself as became a Person in those Capacities. After which his Lordship insisting upon more time, desired till the first Day of the next Term; but that was judged unreasonable, in regard the King's Business would not admit of such Delays; but at last they granted his Lordship only a Week. Then the Court adjourn'd till the 9th of *August*, being the Day prefixed for the Bishop to appear again. During which Interval the Bishop was to make the best of his Time, tho' it was to no Purpose to strive against the Stream.

The 9th of *August* being soon come, his Lordship made his Appearance, and told the Chancellor, That he could not meet with the Commission, which had been



been told him was upon Record, and in every Coffee-House, tho' he had employ'd a whole Week to search for it (I cannot imagine how he should have it; for it was never made publick in Print, as I know of, till King *William's* Reign.) But as to what the Chancellor told his Lordship, *That the Court would admit no quarrelling with their Commission, not being such Fools to sit there, if they were not well assured of the Legality of it.* But the Bishop answer'd, That he had other Reasons to desire a Sight of the Commission; for that, perhaps, it might not reach him as a Peer and a Bishop, or, perhaps, not reach the particular Case, and therefore insisted upon longer Time; yet not refusing to give in such an Answer as he had prepared, if there were no other Remedy, his Lordship further urged, That his Council, in whom he most confided, were out of Town. Upon this his Lordship being desired to withdraw, and called in again, after a Quarter of an Hour's debate, the Chancellor (that was the Mouth of the Court) insisted upon the old Topick still, *of not admitting any Quarrels with the Jurisdiction of the Court*; however, he was willing, as he pretended, to pay all due Respect to his Lordship, and demanded of his Lordship what longer Time he desired. The Bishop (considering that the King's Business could not admit of long Delays, as they had told him at his first Appearance) desired no longer than a Fortnight, which was readily granted him by the Court.

At the Expiration of the Fortnight granted him, the Bishop made his Appearance again, and after he had made a previous Apology, that no Misinterpretations might be put upon his Words, he gave the Court to understand, that his Council had inform'd him, *That their Proceedings were directly contrary to the Statute Law*, which they were ready to make out, if the Court would hear them. To which, cry'd the Chancellor, *We will not hear your Lordship, nor your Council neither in this Matter.* Which Words were not uttered without some Indication of Passion. Then the Bishop pleasingly reminded the Court, *That he was a Bishop of the Church of England, and by the particular Law of the Land was to be try'd by his Metropolitan and Suffragans*; and therefore hoped his Lordship would not deny him the *Right and Privilege of Christian Bishops*; which was put off by the Chancellor, with no other Reason, than a Pretence that

1686. that the Court had original Jurisdiction. Then the Bishop proceeded in his Plea, *That what he was accused of, was before the Date of the Commission, and they were only to censure Faults committed afterwards.* In Answer to which, the Chancellor granted the Clause, but cursorily told his Lordship, there was general Clauses that took in Things past, as well as those that were to come. Then the Bishop insisted again upon his own Right, as a Subject to the Laws of the Realm, and as a Bishop to the Rights and Privileges of the Church, gave in his Answer in Writing, and as he withdrew, left upon the Table Dr. Sharp's Petition, which the King had refused to accept.

After some time spent in Debate, the Bishop returned, and the Chancellor told him, They were not concerned in Dr. Sharp's Petition, but that if he desired it, his own Answer should be read, the Bishop answered in the Affirmative, and further added, *That he had consulted the Council, and the Law said, That what was done by Advice of Council, should not be interpreted to be done maliciously or obstinately: That if a Prince required a Judge to execute a Command not agreeable to Law, it was his Duty rescindere & reclamare Principi, which he had done in writing back to the Lord President.* And in the next place, *That he had done in Effect what the King commanded; for that he advised Dr. Sharp to forbear Preaching in his Diocese, which he had done accordingly.* Now the Bishop's Answer was read, and then his Lordship being asked what he had more to say, he desired, *that his Council might be heard.* The Consideration of which took up half an Hour's Debate; after which his Lordship being call'd in, his Council were admitted, *viz.* Dr. Oldiss, Dr. Price, Dr. Hedges, and Dr. Newton.

Doctor's  
Council  
pleaded.

Dr. Oldiss being the first that spoke in the Bishop's Behalf, argued, *That there was no such Thing in their Laws as Suspension; so that the Meaning should have been Silencing the Doctor; for in case of Suspension, Citation was requir'd, Form of Proceeding, Judgment and Decree, and to act otherwise was contrary to the Law of God, of Nature, and of all Nations, in all Ages.* And if it was meant, that the Bishop was to silence the Doctor, it was perform'd by his Lordship, by sending for Dr. Sharp, and shewing the King's Letter to him, and advising him not to preach, which was not done by the Doctor after that;

so that the King's Command was executed, and in Effect fulfilled. 1686.

Dr. *Hedges* insisted, That the Bishop could not suspend the Doctor; the Act of that Suspension was a Judicial Act, and therefore if the Bishop, as a Judge, had suspended the Doctor, before Hearing, he had begun at the wrong End, seeing it had been a Judgment before press'd.

Dr. *Price* pleaded much to the same Purpose. But Dr. *Newton* went farther, and stiffly affirm'd, That the Bishop was so far from being disobedient, that he was most obedient to the King; or seeing that he did *rescribere*, and heard not of the farther Pleasure of the King returned, he ought to conclude, that the King was satisfied with what he had written, according to his Duty, and that the King had alter'd his Commands.

After the Bishop's Council had ended, his Lordship offered to the Court, That if through Mistake he had erred in any Circumstances, he was ready to beg his Majesty's Pardon, and should be as ready to make any Reparation, of which he was capable. Having spoke thus, his Lordship withdrew for half an Hour, and then being call'd in again, was told by the Chancellor, That the Court expected his Appearance again upon Monday ensuing. At what Time the Court being sat, his Lordship was desired to sit down and hear his Sentence, which was set down in Writing, according to the Order of the Commissioners, by the Register, being in Substance, *That Henry, Lord Bishop of London, being conven'd before the Commissioners of Ecclesiastical Affairs, for his Disobedience, and other Contempts, and being fully heard, upon mature Deliberation of the Matter, was by them declared and pronounced suspended from the Function and Execution of his Episcopal Office.* In Pursuance of the full Execution of which Sentence, an Order was sent by the Messengers attending the Court, to the Dean of St. Paul's, enjoining him to cause the said Sentence to be affix'd upon the Door of the Chapter-House, and the South Door of the same Cathedral, that publick Notice might be taken of the said Suspension.

Thus was the good Bishop exempted from the Execution of his Function, and no other Reason could my Lord *Jeffreys*, the Chancellor, give for such Proceedings, but *Sic volo sic jubeo, sit Regis Voluntas*; but before we leave this Climate, we are to tell you, that the Parliament



1686. ment that was to meet on the 22d of November, were upon the 8th of October further prorogued, by Proclamation, to the 15th of February ensuing, though when that Time came, it was further prorogued again to the 28th of April following.

Here we are not to neglect the Treaty of Peace and good Correspondence in *America*, agreed upon at *White-* had the 6th of Nov. N. S. between his Majesty and the French King, which Neutrality, being not common, we will insert it here.

Treaty  
between  
England  
and  
France.

## I.

It is concluded and agreed, That from this Day forward there be a firm Peace, Union, Amity and good Correspondence, as well by Land as by Sea, between the *British* and the *French* Nations in *America*, as well Northern as Southern; and within the Islands, Colonies, Forts, Cities and Governments (without Exception of Places) belonging to the most Serene King of *Great Britain*, or to the most Serene Christian King, and which are under the Jurisdiction of either King respectively.

## II.

That no Ships or Vessels, great or small, belonging to the most Serene King of *Great Britain*'s Subjects in the said *English* Islands, Colonies, Forts, Cities and Governments, shall be fitted out or employ'd to invade or attack the most Serene most Christian King's Subjects in their Islands, Colonies, Forts, Cities and Governments, or to do them any Injury or Damage. In like manner, that no Ships or Vessels, great or small, belonging to the most Serene most Christian King's Subjects in the said *French* Islands, Colonies, Forts, Cities and Governments, shall be fitted out or employ'd to invade or attack the most Serene King of *Great Britain*'s Subjects in their Islands, Colonies, Forts, Cities and Governments, or to do them any Injury or Damage.

## III.

That no Soldiers, arm'd Men, or any others whatsoever, inhabiting and living in the said *English* Islands, Colonies, Forts, Cities and Governments, or who come out of *Europe* to be in Garrison there, shall commit any Act of Hostility, or do any Injury or Damage, directly or indirectly, against the most Serene most Christian King's Subjects in the said *French* Islands, Colonies, Forts, Cities and Governments, neither shall they give any

any Assistance or Supplies of Men or Victuals to the barbarous or wild *Indians*, with whom the most Christian King shall have a War. 1686.

In like manner, no Soldiers, arm'd Men, or any others whatsoever, inhabiting and living in the said *French* Islands, Colonies, Forts, Cities and Governments, or who come out of *Europe* to be in Garrison there, shall commit any Act of Hostility, or do any Injury or Damage, directly or indirectly, against the most Serene King of *Great Britain's* Subjects in the said *English* Islands, Colonies, Forts, Cities and Governments; neither shall they give any Assistance or Supplies of Men or Victuals to the barbarous or wild *Indians*, with whom the King of *Great Britain* shall have a War.

## IV.

It is agreed, That both Kings shall have and retain to themselves all the Dominion, Rights and Preeminences in the *American* Seas, Roads, and other Waters whatsoever, in as full and ample Manner as of Right belongs unto them, and in such Manner as they now possess the same.

## V.

And therefore the Subjects, Inhabitants, Merchants, Commanders of Ships, Masters and Mariners of the Kingdoms, Provinces and Dominions of each King respectively, shall abstain and forbear to trade and fish in all the Places possessed, or which shall be possessed by the one or the other Party in *America*, viz. The King of *Great Britain's* Subjects shall not drive their Commerce and Trade, nor fish in the Havens, Bays, Creeks, Roads, Shores, or Places which the most Christian King holdeth, or shall hereafter hold in *America*; and in like manner the most Christian King's Subjects shall not drive their Commerce and Trade, nor fish in the Havens, Bays, Creeks, Roads, Shores, or Places which the King of *Great Britain* possesseth, or shall hereafter possess in *America*. And if any Ship or Vessel shall be found trading or fishing contrary to the Tenor of this Treaty, the said Ship or Vessel, with his Lading, (due Proof thereof being made) shall be confiscated: Nevertheless, the Party who shall find himself aggrieved by such Sentence of Confiscation, shall have Liberty to apply him-

1686. himself to the Council of State of that King, by whose Governours or Judges the Sentence has been given against him, and there complain of the Matter; which nevertheless shall not stop the Execution of the Sentence: But it is always to be understood, that the Liberty of Navigation ought in no manner to be disturbed, where nothing is committed against the genuine Sense of this Treaty.

## VI.

It is also agreed, That in case the Subjects and Inhabitants of either of the Kings, with their Shipping (whether publick and of War, or private and of Merchants) be forced through Stress of Weather, Pursuit of Pirates and Enemies, or any other urgent Necessity, for the seeking Shelter and Harbour, to retreat and enter into any of the Rivers, Creeks, Bays, Havens, Roads, Ports and Shores, belonging to the other in *America*, they shall be received and intreated there with all the Humanity and Kindness, and enjoy all friendly Protection and Help: And it shall be lawful for them to refresh and provide themselves at reasonable and the usual Rates, with Victuals, and all Things needful, either for the Sustenance of their Persons, or Reparation of their Ships, and Conveniency of Voyage; and they shall in no manner be detained or hindred from returning out of the said Ports or Roads, but shall remove and depart when and whither they please, without any Let or Impediment: Provided always, that they do not break Bulk, nor carry out of their Ships any Goods, exposing them to Sale, nor receive any Merchandize on Board, nor employ themselves in Fishing, under the Penalty of Confiscation of Ships and Goods, as in the foregoing Article is expressed. And it is further agreed, That whensoever the Subjects of either King shall be forced to enter with their Ships into the others Ports, as is above-mentioned, they shall be obliged at their coming in to hang out their Flag, or Colour of their Nation, and give Notice of their coming by Thrice firing a Cannon, and if they have no Cannon, by Thrice firing a Musket, which if they shall omit to do, and however send their Boat on Shore, they shall be liable to Confiscation.



If any Ships belonging to either of the Kings, their People and Subjects, shall within the Coasts, or Dominions of the other stick upon the Sands, or be wreckt (which God forbid) or suffer any damage; all friendly Assistance and Relief shall be given to the Persons Shipwreck'd, or who shall be in danger thereof, and Letters of Safe-Conduct shall likewise be given to them for their free and quiet Passage thence, and the Return of every one to his own Country.

## VIII.

When it shall happen, that the Ships of either Party (as is above-mentioned) through danger of the Sea, or other urgent Cause, be driven into the Ports of the other, if they be three or four together, and may give just ground of Suspicion; they shall immediately upon their Arrival acquaint the Governour or chief Magistrate of the Place, with the Cause of their coming, and shall stay no longer than the said Governour or chief Magistrate will permit, and shall be requisite for their furnishing themselves with Victuals, and the Reparation of their Ships.

## IX.

It is also agreed, That the King of *Great Britain's* Subjects, inhabiting the Island of *St. Christopher's*, may fetch Salt from the Salt-Ponds there, and carry the same away, as well by Sea as by Land, without any Hindrance or Molestation: And also that the Most Christian King's Subjects of the said Island, may enter into the Rivers of the great Road, there to fetch or provide themselves with Water; upon Condition nevertheless that the King of *Great Britain's* Subjects shall only in the day time lade Salt upon their Ships or Vessels; and in like manner that the Most Christian King's Subjects shall fetch Water in the day time only. And also, that the Ships or Vessels of either Nation; which shall come for Salt or Water, shall be obliged to give Notice of their coming, by hanging out their Flag or Colours of their Nation; and by thrice firing a Cannon; and if they have no Cannon, by thrice firing a Musquet. And in case either Ship of either Nation shall Trade or Traffick, under pretence of fetching Salt or Water, the said Ship shall be Confiscated.

The Subjects of either Nation shall not harbour the Barbarous or wild Inhabitants, or the Slaves or Goods, which the said Inhabitants have taken from the Subjects of the other Nation; neither shall they give them any Assistance or Protection in their said Depredations.

## XI.

The Governours, Officers, and Subjects of either King, shall not in any wise molest or disturb the Subjects of the other, in settling their respective Colonies, or in their Commerce and Navigation.

## XII.

And the more to assure the Subjects of the King of *Great Britain*, and of the Most Christian King, that no Injury shall be offered to them by the Ships of War, or private Men of War of either Side; all the Captains of the Ships, as well of his Majesty of *Great Britain* as of the Most Christian King, and all their Subjects, who shall set out private Men of War; and likewise their Privileged Companies shall be enjoined not to do any Injury or Damage whatsoever to the other; which if they do, they shall be punished, and moreover be liable to satisfy all Costs and Damages, by Restitution and Reparation, upon Pain and Obligation of Person and Goods.

## XIII.

For this Cause all the Commanders of Private Men of War, shall henceforth be obliged, before they receive their Commissions, to enter before a competent Judge into good and sufficient Security, by able and responsible Men, who have no part or interest in such Ships, in the Sum of One Thousand Pounds Sterling, or Thirteen Thousand *Livres*; and when they have above One Hundred and Fifty Men, then in the Sum of Two Thousand Pounds Sterling, or Six and Twenty Thousand *Livres*, that they will give full satisfaction for any Damages or Injuries whatsoever, which they or their Officers, or others in their Services, shall commit in their Courses at Sea, contrary to this present Treaty, or any other whatsoever, between his Majesty of *Great Britain* and the said Most Christian King, and upon pain of Revocating and Annulling their said Commissions; in which it shall be always inserted, that they have given such Security as above-said: And likewise it is agreed, that

that the Ship it self shall be also liable to make satisfaction for Injuries and Damages done by her.

## XIV.

And whereas several Pyrates roving up and down in the *American* Seas, as well Northern as Southern, do much damnify Trade, and molest the Subjects of both Crowns in their Navigation and Commerce in those Parts; it is agreed, that strict Orders shall be given to the Governours and Officers of both Kings, that they give no Assistance or Protection to any Pyrates, of what Nation soever, nor suffer them to have any Retreat in the Ports or Roads of their respective Governments; and the said Governours and Officers shall also be expressly Commanded to punish, as Pyrates, all such who shall Arm out any Ship or Ships for Privateering, without lawful Commission and Authority.

## XV.

No Subjects of either King, shall ask or take any Commission, or Letters of Mart for Arming any Ship or Ships to go Privateering in *America*, whether Northern or Southern, from any Prince or State, with whom the other is in War; and if any Person shall take such Commission or Letters of Mart, he shall be punished as a Pyrate.

## XVI.

The Most Christian King's Subjects shall have full liberty to fish for Turtles in the Islands of *Cayman*.

## XVII.

That in case it should happen, any Differences or Disputes should arise between the Subjects of the said Most Serene Kings in the said Islands, Colonies, Ports, Cities and Governments, under the Dominion of either respectively, whether at Sea or Land, this Peace and good Correspondence shall not thereby be interrupted or infringed; but the said Differences which may happen between the Subjects of both Kings, shall be adjudged and determined by the Governours of each Jurisdiction respectively, where they shall have arisen, or by them whom they shall depute; and if the said Differences cannot within the space of one Year be determined by the said Governours, they shall transmit the same, with the first Opportunity, to the Most Serene Kings, to determine the same according to Justice, in such manner as they shall think fit.



It is further concluded and agreed, That if any Breach should happen (which God forbid) between the said Crowns in *Europe*, no Act of Hostility, neither at Land nor at Sea, shall however be done by any of the Most Serene King of *Great Britain's* Garisons, Soldiers or Subjects whomsoever, of the Islands, Colonies, Forts, Cities and Governments, which now are, or shall hereafter be under the *English* Dominion in *America*, against the Most Serene Christian King's Subjects, inhabiting or residing in any of the *American* Colonies: Likewise reciprocally, that in the abovesaid Case of a Breach in *Europe*, no Act of Hostility, neither at Sea nor at Land, shall however be done by any of the Most Serene Most Christian King's Garisons, Soldiers, or Subjects whomsoever, of the Islands, Colonies, Forts, Cities, and Governments, which now are, or hereafter shall be under the *French* Dominion in *America*, against the Most Serene King of *Great Britain's* Subjects inhabiting in any of the *American* Colonies, or residing there. But a true and firm Peace and Neutrality shall continue in *America* between the said *British* and *French* Nations, in the same manner as if such Breach in *Europe* had not happened.

## XIX.

It is provided and agreed, That this present Treaty shall not in any wise derogate from the Treaty concluded between the said Most Serene Kings at *Breda*, the 31<sup>st</sup> Day of *July*, N. S. in the Year of our Lord, 1667. but that all and singular the Articles and Clauses of that Treaty, shall remain in force and be observed.

## XX.

That all Treaties or Articles at any time heretofore made and concluded between the said Nations, upon the Island of *St. Christopher's*, or elsewhere in *America*, shall be in force as formerly, and shall be observed on both Sides as heretofore, unless where they shall be found to be contrary to this present Treaty.

## XXI.

Lastly, It is agreed and concluded, That this present Treaty, and all and singular the Matters therein contained, shall, as soon as may be, be Ratified and Confirmed, and that the Ratifications thereof, shall within the space of two Months, from the Date of these Presents, be reciprocally exchanged between both Parties; and

within the space of eight Months, or sooner, if it may be, be published in all the Kingdoms, Dominions, and Colonies, as well in *America* as elsewhere, of both the Kings. 1686.

In Witness whereof, we the Plenipotentiaries, have Signed and Sealed this present Treaty. Given in his Majesty's Palace of *Whitehall* the 16th Day of *November*, 1686. N. S.

<i>Jeffreys C. (L. S.)</i>	<i>Barillon d'Amoncourt,</i>
<i>Rocheſter (L. S.)</i>	<i>(L. S.)</i>
<i>Sunderland P. (L. S.)</i>	
<i>Middleton (L. S.)</i>	
<i>Godolphin (L. S.)</i>	

Now we come to another Year, and of course our History carries us into another Kingdom, viz. *Ireland*; where (the Earl of *Tyrconnel* being Sworn on the 15th of *February* one of the Privy-Council) arrived soon after in that Kingdom and came to *Dublin*; at the News of whose Arrival, the Earl of *Clarendon*, then Lord Lieutenant, sent for the Council to meet him at the Archbishop of *Dublin's* House, and there resigned the Sword of State to the Earl of *Tyrconnel*, and made the following Speech. 1687.

My Lords.

It has been sometimes usual to make Speeches upon these Occasions, but I know my Insufficiency for that Task; and therefore shall trouble your Lordships with very few Words. In the first place, my Lords, I give your Lordships many Thanks for the Civilities I have received from every one of you, and for the great Assistance I have had from you in the Discharge of my Duty here: I know your Lordships can witness for me, that I never desired your Concurrence in anything that was not for the King's Service. I do beg your Lordships to accept of my Thanks, with this Assurance, that I shall give the King an Account (when I have the honour to kiss his Hand) of your Lordships great Readiness and Diligence to advance his Service. E. of Clarendon's Speech at his leaving Ireland.

My Lord Deputy, I shall not long detain your Lordship; the King has placed your Excellency in a very great Station, has committed to your Care the Government of a great and flourishing Kingdom, of a Dutiful, Loyal and Obedient People: It is to be extremely lamented, that there are such Feuds and Animosities among them: which I hope your Excellency's Prudence,

1687.

Prudence, with the Assistance of so wise a Council will disperse. I must needs say, both from my own Observation, and the Information I have from my Lords the Judges, who often visit the whole Kingdom, That there is a great Readiness and Willingness in all People to serve and obey the King. I must here a little enlarge to your Excellency, because I reckon my self bound to give the King an Account of his Subjects, and I would not willingly say any thing when I am at such a distance, which I have not mentioned here. The English in this Country have been aspersed with the Character of being Fanaticks; which is a great Infamy to them: I must do them the justice to say, that they are of the Church of England, as appears by their Actions, as well as Professions. The Churches here are as much frequented, and the Discipline of the Church as well observed as in England it self; which is to be attributed to the Piety and Labour of my Lords the Bishops. We of the Church of England can brag, that when Rebellion overspread the three Kingdoms, not one Orthodox Member of our Church was engaged against the Crown; and in our late Disorders, we can boast, we were Opposers of the Bills of Exclusion; and the Sense his Majesty hath been graciously pleased to express of our Loyalty, will never be forgotten by us. I had the Happiness to be born a Member of the Church of England, and I hope God will give me the Grace to die one. One thing the English of this Country have to glory in, that of all his Majesty's Subjects, they made the earliest Advances towards his Majesty's Restoration, when the three Kingdoms were Governed by Usurpers; and after all the Endeavours of his Loyal Subjects in England seemed to be disappointed, and there appeared no Hopes, by the total Defeating of Sir George Booth, the English then in this Kingdom, offered to submit to his Majesty's Authority. I do not say this, my Lord, to detract from his Majesty's Roman Catholick Loyal Subjects, many of whom I my self know served and suffered with him abroad; but I speak it in justice to the others who did their Duty. There is but one thing more I shall trouble your Excellency with, I am sorry that I cannot say, that I leave a full Treasury, but I can say, that I leave no Debts; the Revenue is in good order, which may be owed to be due to the unwearied Industry and Diligence of the Commissioners; the Army is entirely paid to Christmas day last; and I have advanced a Month's Subsistence for January; The Civil and Pensionary Lists are likewise cleared to Christmas. I doubt not but your Excellency's Care will carry all things on in the same Method. God Almighty



mighty bless the King and grant him long Life; and I beseech God to prosper this excellent Country. I received this Sword in Peace, and, I thank God, by the King's Command, I deliver it in Peace to your Excellency, and I heartily wish you Joy of the Honour the King has done you. 1687.

Tyrconnel was not unsensible of the general Dissatisfaction of the Protestants, at his taking the Government Manage-upon him, therefore he began to smoothe them up; and ment in for the quieting the Minds of the King's Subjects, he assured them (tho' many false and malicious Rumors were spread abroad among the People, to fill them with Fears and Jealousies) of the King's Gracious Care for their Ease and Advantage, and Protection in their just Rights and Properties; as likewise for preserving the King's Forces in good Order and Discipline, and for suppressing of Tories and Robberies, he issued forth a Proclamation and Declaration, in the first of which he set forth, That whereas malicious Rumours were spread abroad, as if the King's Chief Governour intended to govern otherwise than by the known Laws of Ireland; which Rumours were lightened by some fiery Spirits in their Pulpits; therefore for the removing such Fears and Jealousies, he declared, that he would apply all his Care and Industry to Govern in perfect Obedience to the King's Commands, which were to Govern his Subjects by Law, and to protect them in their respective Properties and Priviledges, according to Law; and that he would further take Care, that all the King's Subjects, of what Perswasion in Religion or Degree soever, should be protected in all their just Priviledges, and in the free Exercise of their Religion, provided they persevered in their Duty and Allegiance to the King.

The Date of this Proclamation was Febr. 21. 1686. and (as Dr. King affirms) the Preservation of the Acts of Settlement and Explanation, after a Debate upon it at the Council-Board, was left out.

In his Declaration he set forth, That all Soldiers should duly pay their Quarters, and the usual and agreed Rates; requiring all Inn-keepers and Suttlers to give them Credit for no more. And if any Soldiers should commit any Spoil or Disorders, the superiour Commanders were required to cause immediate Satisfaction to be made; withal, commanding severall other Things requisite for the Regulation of Military Discipline and good

1687.

Manners. And lastly, requiring the Soldiers to be assisting to the Civil Magistrates, in the apprehending of Tories, House-breakers, and High-way Robbers, &c. The Earl by these means, with innumerable other fair Promises, lulled the Protestants there for a time into a sort of Lethargy, till he began to carry on his Designs more bare-fac'd; and of which we shall have occasion to speak, as it will fall of course in our History.

King's  
Letter to  
the Scotch  
Privy-  
Council.

We left *Scotland* last Year, with the King's calling of a Parliament there, and the Recommendation of his *Roman Catholick* Subjects to them in his Letter, and to the same effect his Majesty this Year was pleased to send a Letter to the Privy-Council there; the purport of which was, That whereas by his Letter of the 21st of *August* last past, he had informed them of his Designs, in order to the ease of the *Roman Catholick* Subjects; to which he had their Dutiful Answer some Days afterwards, he now thought fit to publish these his Royal Intentions, and to give an Additional Ease to those of Tender Consciences, to convince the World of his Inclination to Moderation, and Evidence, that those of the Clergy who have been Regular, were his most particular Care; tho' he had given some ease to those whose Principles he could with most safety trust; That he had at the same time express'd his highest Indignation against those Enemies of Christianity, as well as of Government and Human Society, the Field Conventicles, whom he recommended to them to root out with all the Severities of the Law, and the most vigorous Prosecution of his Foes, it being his and the Peoples Concern to be rid of them. As for the other Particulars of his Proclamation, he doubted not but they would appear to them as just and reasonable as they did to him, and that they would assert and defend his Royal Rights and Prerogatives, which he was resolv'd to maintain in that Splendor and Greatness, which could only make them safe for him, a Support to his Friends, and a Terror to his Enemies; That it was evident he did not encroach upon the Consciences of any, and what he would not do, he was resolv'd he would not suffer in others. And therefore it was his Will and Pleasure, that his Commands should be obeyed; and that in order thereto, his Proclamation should be forthwith Printed and Published; and that if any should be so bold as to dislike his Proceedings, he desired to be inform'd thereof, to the end he might convince the World in earnest. In

In this Letter the Proclamation mentioned to be enclosed, was much of the same Tenor; the Prologue of it did set forth, That he having taken into his Royal Consideration, the many and great Inconveniences in his Ancient Kingdom, through the different Persuasions in the Christian Religion, and the great Heat and Animofities among the Professors thereof, to the decay of Trade, extinguishing of Charity, &c. and being resolved, as much as in him lay, to unite the Hearts and Affections of his Subjects, he thought fit, by virtue of his Sovereign Authority, Prerogative Royal, and Absolute Power, which all his Subjects were to obey without reserve, and did grant his Royal Toleration to the several Professors of the Christian Profession hereafter named, viz. the Moderate Presbyterians, meeting in their Houses, and willing to embrace his Indulgence, and so as they did not build Meeting-Houses, nor make use of Out-Houses or Barns. In the next place Quakers, and then Papists, in favour of whom he did suspend, stop, and disable all Laws or Acts of Parliament made or executed against them; yet so as they exercised their Religion in Houses or Chappels, and no where else: He did also discharge them of all Oaths whatsoever, by which they were disabled from holding Offices or Employments in the Kingdom; instead of which he required them to take the following Oath.

1687.

King's  
Procla-  
mation in  
Scotland.

“ I A. B. do acknowledge, testify and declare, That The  
 “ JAMES VII. &c. is Rightful King and Su Oath to  
 “ preme Governour of these Realms, and over all Per be taken  
 “ sons therein; and that it is unlawful for Subjects, upon by Scotch  
 “ any Pretence whatsoever, to rise in Arms against him, Disen-  
 “ or any Commissionated by him; and that I will never ters.  
 “ resist his Power or Authority, nor ever oppose his  
 “ Authority, or his Person, as I shall answer to God,  
 “ but to the utmost of my Power, shall resist, defend,  
 “ and maintain him, his Heirs and lawful Successors,  
 “ in the Exercise of their Absolute Power, against all  
 “ Deadly. So help me God.

By the same Proclamation also, he Indemnified the Papists and Quakers, for all Things by them done contrary to the Laws or Acts of Parliament made in Times past. And for the Encouragement of the Protestant Bishops and Regular Clergy, he declared, that he would protect



1687. test both them and other Ministers of their Persuasions in their Functions, Rights, and Properties.

The Privy-Council returned in answer to the Letter, that his Majesty's Proclamation should be Printed and Published according to his Orders; that they should assert his Prerogative with the hazard of their Lives; and were willing that such who were Loyal and Peaceable, whatsoever were their Profession, might be at ease and security, conceiving that such as were employed by him, were sufficiently secured by his Authority and Commission. And lastly, they thanked him for giving them his Royal Word for maintaining the Church and their Religion, as it was by Law Established; and so concluded, as we do the Affairs of this Kingdom for this Year, and return to *England*, to see what was upon the Stage there.

Declara-  
tion for  
Liberty of  
Conscience.

Dissen-  
ters Ad-  
dresses of  
Thanks,

The King having acquainted, in *March* this Year, his Council, that he designed to set forth his Declaration for *Liberty of Conscience*, it was published the 25th of *April* following, which we shall not insert at large in this place, but refer the Reader to the *Complete History of Europe*, where this and most other Original Papers may be seen; but to give an inkling of the Contents of it, in the first place he declared, he would protect the Archbishops, Bishops, and all other his Subjects of the Church of *England*, in the free Exercise of their Religion, as by Law established. In the next place, that the Execution of the *Penal Laws* against *Nonconformists*, should be suspended, and all Persons whatsoever should be acquitted from taking the Oaths of Supremacy and Allegiance, and the several Tests and Declarations mentioned in the Acts of 25 and 30, Years of King *Charles II.* and in the conclusion, assured all his loving Subjects, that he would maintain them in all their Properties and Possessions, as well of Church or Abby Lands, and of all other Properties whatsoever. Hereupon several Addresses were made to the King from the Dissenting Parties, who had been near upon seven Years severely treated by the Tory Party; now therefore they were not wanting to express their Gratefulness, for their Deliverance from their long Captivity; and the first that Addressed his Majesty were the *Anabaptists*, who were very complemental in their Expressions, telling the King, That the invaluable Favour and Benefit which they received from his Royal Clemency, compelled them to prostrate themselves at his Feet, with the tender of their humble Thanks

Thanks for the Peace and Liberty which both they and other Dissenters enjoy'd under his gracious Protection. Then the *Independants*, *Presbyterians* and *Quakers*, from several Countries, returned their submissive Thanks for the same; and for the most part of this Summer the *Gazette* was filled hardly with nothing else save Addres- ses, wherein there was a world of Loyalty pretended, and one would have thought that the King had been un- moveable on his Throne, if there was any confidence to be put in Addressee.

On the 16th of *April*, *George Duke of Buckingham* Duke of departed this Life at his House in *York-shire*; a Person *Buck- ing- ham's* (as a learned Pen Characteriz'd him) not much lament- ed, nor at all ill spoken of; yet had been much more *Death* great and famous, had not his surmounting Genius been corrupted by the Irregularities of the Courts he lived in: But for all that he was a true Lover of his Country, and an Enemy to the *French* Interest.

The Pope's *Nuncio* upon the Lord Mayor's-day, Di- ned at *Guild-Hall*, which was a Rarity (that makes me mention it) not seen before in many Years past, and up- on the 11th of *November*, *Father Peters* was Sworn of the Privy-Council, where we will leave him acting his part, and take a view of the Affairs of *Ireland*.

The Earl of *Tyrconnel* at his entring upon the Admi- nistration of the Government of *Ireland*, had procured the King's Letter, that all the *Roman Catholics* should be admitted into the Freedom of the Corporations of the Kingdom; in which Letter there was a great deal of Sweetness and endearing Expressions; as that it proceed- ed from his Majesty's great Care of the general Good of the Kingdom, and was graciously designed by him for the Encouragement of Trade, and the uniting of the Affe- ctions of his Subjects. In pursuance to the Tenor of this Letter the Lord Mayor of the City of *Dublin* calls a General Assembly, wherein the King's Letter was read, and hereupon the City made their humble Address to the Lord Lieutenant and Council, setting forth, That they found the City by Act of Parliament bound up, and if they should act according to the Letter, they incurred a Forfeiture of their Charters; and therefore humbly pray'd the Lord Lieutenant and Council to lay their Con- dition at his Majesty's Feet.

This Answer of the Lord Mayor and Alderman, re- tarded the Freedom of the Papists for that time, though another

1687. another Lord Mayor, one Mr. *Castleton* that succeeded, made no Hesitation to comply afterwards, and in imitation thereof, the same was done soon after in the whole Kingdom.

*Tyrconnel* having gained this Point, tho' a very great one indeed, yet there was another obstacle in the way, which must of necessity be removed, and that was, to call in all the Charters of the Kingdom; and in order thereto, the first that was accosted by the Earl, was the City of *Dublin*, for he was not ignorant, if he could prevail here, it would prove a precedent to the whole Kingdom: Therefore *Tyrconnel* having sent for the Lord Mayor and the Aldermen of the City, he acquaints them, that he had Orders from his Master the King to tell them, as being the chief City of the Kingdom, and unto which as such he intended the greatest Marks of his Favour, that it was his Pleasure to call in all the Charters of the Kingdom, not with a Design to take any thing from them, but to enlarge their Privileges, by which act of Favour and Bounty, he might endear them to him; he farther told them, that his Majesty expected their ready compliance, so as their chearful surrendry of their Charter, might become exemplary to the rest of the Kingdom. Here the Lord Mayor returned the Answer usual in such Cases; that is, he should call an Assembly, and move it to them. The next day the Assembly met, according to the Lord Mayor's Citation, and came to a resolve, that the Lord Mayor, Recorder, and Aldermen, should wait upon his Excellency, and acquaint his Lordship, that as the City had been always Exemplary in their Loyalty and Faithful Obedience to the Kings and Queens of *England*, so they shall ever continue in the same; and therefore humbly conceived it to be their Duty, to lay at his Majesty's Feet the great Services they had done the Crown, under the Grants and Immunities of 130 Charters they had then in their Treasury from his Majesty's Royal Ancestors, and they humbly expected his Excellency to favour them, in a kind Representation of their Condition to his Majesty, for the continuance of their Ancient Government, under so many gracious Grants and Charters.

After the Conclusion of this Speech, *Tyrconnel* fell into a violent fit of Passion, and in that mood told them, *That this was the Continuance of their former Rebellion, and they had turned out all the Loyal Subjects in the last War of Ireland,*



Ireland, which they would do still, if it was in their power; and further told them, That their late disputing the King's Commands, for admitting Catholicks Freeman, was the cause of his Majesty's calling in their Charter; and being a little come to himself, he advised the Lord Mayor to call the Assembly again, and comply with the King's Commands, else he knew what would follow. But the Lord Mayor desired his Excellency to signify his Pleasure to the Assembly, by a Letter under his Hand, for it would be more regarded than a verbal Repetition from him: Besides he alledged, that it was the constant practice of the chief Governors to send their Letters upon Occasions; to which the Solicitor General replied, That there was no necessity of any such Formality, but it was sufficient to do it by Word of Mouth, and the Mayor was to be the Messenger. Hereupon another Assembly was called, where great Debates arose, whether to surrender the Charter or no; which at last was carried in the Negative; and in order to wave the King's Displeasure, it was agreed, that the Lord Mayor and Aldermen, should wait upon his Excellency, and tender their Reasons for Non-compliance, as also to Intreat him for an Allowance of Time to Petition the King; not questioning but that his Majesty would take into his Royal Consideration both their Exemplary Loyalty, as also their Eminent Sufferings for his Father of blessed Memory; upon which they produced a Letter from King Charles I. dated at Oxford, which testified a great acknowledgment of their Loyalty and Faithfulness to him, as also gave great Assurances of being rewarded, if it please God to restore him to the Rightful Throne again.

On the contrary, the Lord Deputy (according to his usual Austerity) answered them roughly, That he was so far from interceding for them to the King, that he would present them to his Majesty as Contumacious and Disobedient. But the City called another Council, in which it was resolved to send a Petition to the King, and that Sir Privy-Richard Rivers their Recorder, was to carry it, who was severely threatned by Tyrconnel, (when he came to understand their Resolutions) if he proceeded in it; however the Recorder goes for London, and in the Interim Tyrconnel issues out a *Quo Warranto* (according to Directions he had brought over with him from England) against the City. Upon Sir Richard's Arrival at London, he applied himself to the Duke of Ormond, to introduce him

*Dublin Petitions the King in vain about its*

him to the King, where on his Knees he deliverd the Petition, with a submissive tender of all the City Charters at his Majesty's Feet. The King, prepossessed with the partial Account that Tyrannel had given of this Matter, upon the first sight of the Recorder, demanded of him whether he had the Lord Lieutenant's leave to come with that Petition, and said, that he had those in Ireland that understood the Law better than himself, and so turned from him. Sir Richard after some stay and consultation with the Duke of Ormond how to proceed in that weighty Negotiation, and the Duke having told him, that there was no hopes of succeeding therein, return'd *re infecta*, for Dublin.

But for all this, the City was resolv'd to stand the Brunt, and stop the violent Tide if possible, and in order thereunto feed four Councils, who pleaded, *That the Sheriffs (to procrastinate Matters) were Interposed as Parties in the Writ, the Charters being granted to Mayor, Sheriffs, and Commons, and so could not properly make Returns to that Writ that came against them.* But this was deem'd to be no Law; therefore this Return of the Sheriffs was overruled, and a Fine impos'd upon them, if in four Days they did not amend their Return; which they were forced to agree to, and accordingly the Attorney General proceeded against them, and took what Advantage he could of their Pleadings; which the Court gave Judgment upon, and so the Charter of Dublin was gone; and consonant to the Sentence pronounced against it, so was Judgment given against all the Charters of the Kingdom; except such as quietly surrendred, as most did, it being to no purpose for the inferior Corporations to contend, after their Head and Capital City was subdu'd: However London-Derry stood out Tryal, tho' to no purpose; which was briefly thus: The Corporation pleaded their Charter, wheteby those Privileges were granted to them, & *eo Warranto*, they claim to have and use those Privileges; to which the King's Attorney reply'd and said, That since the Charter, the Act of Settlement impowers the Lord Lieutenant and Council, to make Rules and Orders for the Regulating of Corporations; that accordingly such Rules were made for that Corporation, among which one was, That they were to Elect at a time different from that in the Charter, and return the Names of the Persons the Corporation should Elect yearly to be Mayor and Sheriffs, to the Lord Lieutenant; and to

be approved of & *unde ex quo*, that if they did not so Elect, and send the Names of such Elected, to be so approved, they forfeited their Privileges.

The Corporation in their Rejoinder gave Answer to this new Matter, and set forth, That they did all along yearly Elect, and send up the Names Elected, according to the Rules, and that they were approved, &c. but farther insisted at the Bar, that they needed not any farther Rejoinder to the said Replication, or make any Answer as to the matter in the said Replication alledged; because admitting the Allegations in the said Replication to be true, yet the Replication assigns no breach by the Corporation; for all that come after the *unde ex quo* is but a compulsion, and solely a conclusion without any Premises; for though the new Rules be set forth, yet it is not said in all the Replication, that the Corporation did not act pursuant thereto, but only said *unde ex quo*, they did not, &c. To which the Court said, That the Answer given to the new Rules, was a departure from the Matter pleaded, *viz.* they justify in the Plea by the Charter; and in their Rejoinder they say, they chuse according to the new Rules, which is another Warrant to chuse, and so the Plea vitious. To this the Corporation replied, That a Departure is, when a Party in a Rejoinder sets up a new Title to a Thing, or a new Justification not set up in the Plea: But here they still justify by their Charter, and the new Rules made subsequent, is only to the Modus of chusing, in respect of Time, &c. but the power of Chusing is still by the Charter. 2. The Plea was only a plain Answer to a short Question demanded by the *Quo-Warranto*, *viz.* by what Warrant they claimed their Privileges, and the matter of the new Rules was sent up by the King in his Replication, to which they had no Opportunity of Answering till they rejoined. 3. If it had been material to be set forth in the Plea, yet it being a Condition, subsequent (if any thing) and going in destruction of the Corporation Privileges, they ought not first by the Rule of Law to set it forth; but it ought first to come on the Adversaries part. 4. The Corporation urged, That the Rules did not in Law work any Forfeiture of Privileges, in case they were not observed; for they were in the Affirmative only, and the Rule of Law is, That Acts in the Affirmative take not away a former Power of doing of a thing, but the same may be done either the first way



1687. way or the second; notwithstanding all which, on the said pretended Defect in Pleading, the Merits of the Cause never coming in question, the Court gave Judgment against the Corporation.

But *Tyrconnel*, to make Amends for depriving the Corporations of their Charters, began, according to his Promise, to improve the Nation as to Matter of Trade, therefore he issued forth a Proclamation (which was a Violation of an Act of Parliament) to take off the Duty of Iron, and admitting it into the Kingdom, whereby they might encourage Merchants to bring in Pieces of Eight from *Spain*; and *Tyrconnel* was so well pleased with this Contrivance, that he put it in Execution without asking the King's leave: But as soon as it came to the Knowledge of the King, he immediately issued forth his Proclamation, countermanding that of *Tyrconnel's*, which He and his Council had been a studying for some time, and were not a little proud of the Results of their Councils: For all that, their Proceedings were so illy Interpreted at *London*, that the Lord *Bellasis*, tho' a Friend of theirs, was said to have sworn in Council, That that Fellow (meaning *Tyrconnel*) was Fool and Madman enough to ruin ten Kingdoms.

1688. Now we are come to another Year, and the Affairs of this our own Province fall of course under our Pen; which is to treat of some Transactions that hap'ned this Year, that can hardly be parallel'd in any Age whatever; but to make a methodical Prosecution in our History, we find that in *February* the Regulation of the Press was taken into Consideration by the King's Privy-Council, and to that purpose a Proclamation was Issued forth, grounded upon a Statute made in the 14th Year of the Reign of King *Charles II.* prohibiting the Sale, or exposing to Sale, of all unlicensed, seditious and treasonable Pamphlets, under the Pains and Penalties provided by the said Act. At the same time another was Issued forth, That whosoever should Apprehend any Rober or Highway-man, and caused him to be brought into Custody, should within fifteen Days after his Conviction, have a Reward of Ten Pounds for every Offender so Apprehended. A third Proclamation towards the middle of *March*, was Issued forth, Commanding the Return of all the King's Subjects, who had taken Arms under, and were then in the Service of the States General of the United Provinces of the Netherlands, either by Sea or Land.

Divers  
Procla-  
mations  
put forth.

1688.

The States General had some Contest with the Mar-  
 quis of *Ardeville*, the King's Envoy Extraordinary, up-  
 on the Publishing of this Proclamation; for the States  
 insisted so much upon detaining the *English* Regiments  
 then in their Service, that the Marquess, by express Or-  
 ders from the King, delivered in a Memorial to the  
 States, about the beginning of *April*; wherein he sets  
 forth, *That his King was much surpriz'd to find, by their*  
*Lordships Resolution of the 13th of the last Month, that their*  
*Lordships persisted in refusing leave to his Subjects to return*  
*into England.*

King re-  
 calls his  
 Subjects  
 out of the  
 Service of  
 the States.

And since the States alledged and affirmed for the Ju-  
 stification of their Proceedings, these three Considera-  
 tions. 1. That there was nothing so agreeable to Na-  
 ture, as that he who was born Free, should have the  
 Right and Liberty to settle himself where-ever he should  
 think it most advantageous for him. 2. And that it was  
 in his Power to be Naturaliz'd, and become a Subject  
 to them under whose Sovereignty he submits his Person.  
 3. That the Government receiving him, thereby acquir-  
 ed over him the same Right it had over its own proper  
 and natural Subjects. The Marquess reply'd, That this  
 pretended Natural Liberty could not subsist after that Do-  
 minion and Obedience had been introduced; so that the  
 Rights of Sovereignty and Obedience were then only  
 to be considered; and that in virtue of those Rights it  
 had been the common Opinion in all Times, That no  
 Natural Subject could withdraw himself from the Obe-  
 dience he owed to his lawful Prince; from whence it  
 was, that the Kings of *Great Britain* had in all Times pro-  
 hibited their Subjects to engage in any Foreign Service,  
 and had re-called them home from it, when and as of-  
 ten as they thought fit. The Marquess farther insisted up-  
 on the Capitulation made between the Earl of *Ossory* and  
 his Highness the Prince of *Orange*, That in case the King  
 should re-call his Subjects in the Service of the States,  
 they should be permitted to return, &c. By virtue of  
 which Capitulation, and his Reasons alledged, the Mar-  
 quess demanded the Dismission forthwith of his Maje-  
 sty's Subjects, which are willing to return; which De-  
 mand, as the King would never depart from, so (he told  
 them) neither was he willing to doubt of their Lord-  
 ships Compliance with it. They did comply soon after,  
 but the Effect thereof fell not according to the King's  
 Expectation; for few or none of the Soldiers returned,  
 being

Disputes  
 between  
 the States  
 and the  
 King's  
 Envoy.

1688. being unwilling thereto, for Reasons best known to themselves.

Now April being come, the King declared, That his Intentions were not changed since the 4th of August, when he Issued out his Declaration of *Liberty of Conscience*; and therefore he renewed the Publishing of the said Declaration, which was accordingly done in the same Words as before, but only it was enlarged by an Addition to it, signifying, that ever since the Publication of his first Indulgence, he had made it his principal Care to see it prosecuted without distinction, as he was encouraged to do, by the multitude of Addressees, and many other Assurances which he received from his Subjects of all Perswasions, as Testimonies of their Satisfaction and Duty: The Effects of which he doubted not but the next Parliament would plainly see, and that it would not be in vain, that he had used his utmost Endeavours to establish *Liberty of Conscience*, on such just Foundations as would render it unalterable, and secure to all People the free Exercise of their Religion for ever: That it was such a Security which he desired without the Burden of Oaths and Tests, which had been unhappily made by some Governments, but could never support any; nor could Men be advanced by such means, to Offices and Employments, which ought to be the Reward of Services, Fidelity, and Merit. That in pursuance of this, he had been forced to make many Changes both of Civil and Military Officers throughout his Dominions, not thinking any fit to be employed in his Service, that could not contribute towards the Establishing the Peace and Greatness of their Country. All this he recommended to his Subjects, desiring them to consider how far it was above three Years, that he had appear'd that Prince, whose Enemies would have made the World afraid, his chief Aim had been to be the Oppressor, not the Father of his People. But the King to proceed further in this weighty Affair, on the 4th of May passed an Order in Council, That his Declaration of Indulgence, bearing Date the 27th of April, should be read upon the 20th and 27th of May, in all Churches and Chappels, within the Cities of London and Westminster, and ten Miles thereabouts; and upon the 3d and 10th of June following, in all Churches and Chappels throughout the Kingdom; and further ordered, that the Bishops should cause the said Declaration to be sent and distributed throughout their several Diocesses, to be read accordingly.

Declaration for Liberty of Conscience ordered to be read in Churches, &c.

After



After the Publishing of this Order, the Lord Archbishop of *Canterbury*, conjunctive with six other Bishops, viz. of *St. Asaph*, *Ely*, *Chichester*, *Bath and Wells*, *Peterborough*, and *Bristol*, drew up a Petition in behalf of themselves and several of their absent Brethren, and others of the Clergy of their respective Diocesses. The Tenor of the Petition was, That their Aversness to the Distribution and Publishing of the Declaration for Liberty of Conscience, proceeded neither from want of Duty or Obedience, nor any want of due Tenderness to Dissenters: But because the Declaration was founded upon such a Dispensing Power as had been often declar'd Illegal in Parliament, and was a Matter of so great a Moment and Consequence to the whole Nation, both in Church and State, that they could neither in Prudence, Honour, nor Conscience, so far make themselves Parties to it, as the spreading of it all over the Nation, and the solemn Publication of it, even in God's House, and in the Time of Divine Service would amount to, in common and reasonable Construction; and therefore they besought the King not to insist upon their distributing and reading the said Declaration. His Majesty relish'd this Petition but very unsavory, as appear'd by his Answer, and what followed after: His Answer was, That he was informed of their Designs before, but did not believe it, neither did he expect such Usage from the Church of *England*, especially from some of the Petitioners there; however, if he chang'd his Mind, they should hear of him; if not, he expected his Commands should be obeyed.

1688.

Bishops  
Petition  
the King  
about it.

After the Departure of the Bishops, the King reflecting on what pass'd, was told by Chancellor *Jeffreys* (as was then reported) that the Petition might be adjudged Tumultuary, and consequently a seditious Libel; therefore liable to a legal (as he said, but I think ill added to it, would be more proper) Prosecution: And in pursuance to the Chancellor's Counsel, the Bishops were sent for to the Council, and on the same day, being the 9th of *June*, were by a Warrant of the Board committed to the *Tower*; and the next day, viz. the 10th, the King was pleased to issue forth his Royal Proclamation for the Solemnization of the first of *July* following throughout the Kingdom, for that it had pleas'd God to bless his Majesty and his Royal Consort the Queen, with a Son, and these Kingdoms and Dominions with a Prince, born that

They are  
commit-  
to the  
*Tower*;

1688. that very same day; of whose Birth we will say nothing in this place, but that of the Commitment of the Bishops the day before, and some other Circumstances contributed not a little, to make many call in question the Queen's Pregnancy; and whether he was a true Prince or no.

P. Prince  
of Wales  
born.

Proceed-  
ings a-  
gainst  
Cambridge  
Univer-  
sity.

But before we come to the Bishops Tryals, it will not be improper (according to the right Devolution of Mouths) (tho' we have run a little too far in the last Paragraphs) to acquaint the Reader of the further Proceedings of the Commissioners Ecclesiastical, which had little or nothing to do ever since the Suspension of the Bishop of London till now; and to look a little back for the better understanding of the Sequel, we find, that on the 9th of February, a Letter from the King arriv'd at Cambridge, to the Chancellor of the University there, the Substance of which Letter was, That hearing my Commendation of one *Alban Francis*, a Benedictine, the King was pleas'd to command the University, that they should admit him to the Degree of Master of Arts without Administering to him any Oath or Oaths whatsoever, notwithstanding any Law or Statute to the contrary, which the King was pleas'd to dispense with, in favour of the said *Alban Francis*. The Vice-Chancellor was not over hasty to read this Letter to the Senate, but when it was done, on the 21st of the same Month it was unanimously agreed by the Members, to testify their Concurrence with the Vice-Chancellor, to advice him not to admit the said *Francis*, till the King had been petitioned to revoke his Mandate. Hereupon the Vice-Chancellor writ a Letter to the Duke of *Albemarle*, then Chancellor, to beg his Intercession with the King, to which the Duke some time after return'd an Answer, that he had try'd, but to no effect, but that it was his Sentiment, that the most probable way of succeeding in the Matter was, for the whole Body of the University to concur and sign a Petition, and send it to the King. The Colleges, to prevent the Inconveniency of being deem'd Tumultuary Petitioners, thought it the most advisable way to send up the Sense of the whole Body by particular Messengers from each House. To which purpose Mr. *Smault*, Professor of Casuistical Divinity, was made choice of by the Non Regents, and Mr. *Norris*, Fellow of Trinity College, by the Regents. The Substance of what they deliver'd was, That the House

thought the Admission of Mr. Francis, without the usual Oaths, Illegal, and therefore advis'd that the King might be petitioned; which Opinions were freely given to the two Messengers of each House, and unanimously approv'd of by the Members, save three Papists, and two others, willing to temporize and follow the Stream of the Times.

At this time the Squire-Beadles and Registers were sent to the foresaid Francis, to tell him, that the Senate was ready to admit him, provided he would Swear as the Law appointed; which he refused, insisting upon the King's Dispensation; and immediately took Horse for London, to prepossess his Patriots that recommended him to the King, with the Behaviour of the University. The Senate upon this, not to be wanting to justify themselves, dispatched after him a Squire-Beadle, with two Letters, one for the Duke of *Albemarle*, and the other for the Earl of *Sunderland*; the Squire-Beadle was presently admitted to the former, but could get no access to the latter; and therefore put in his Letter, purporting a most humble Submission to the King, with solemn Protestations, that what was done proceeded from no Principle of Stubbornness or Disobedience, but a Conscientious Sense of their Obligations to Laws and Oaths, and a respectful Intimation, that they were ready to Petition the King that it might be admitted; but not daring to approach without some Significations, that it would be acceptable, they apply'd themselves to his Lordship, desiring him to do the University the Favour to mediate for them. The Officer was dismissed, without any satisfactory Answer; and soon after a second Letter was sent to the University, exactly the same with the other, with an additional Clause to do it at their Peril. Which being read by the Senate, they dispatched Mr. *Braddock* of *Katharine-Hall*, and Mr. *Stanhop* of King's College to London, with two other Letters to the Duke and Earl aforesaid, and gave the Messengers other Instructions for the Service of the University. Some time after the delivery of the Letters, the Duke of *Albemarle* told the Messengers, That he endeavoured to intercede for them to the utmost of his Power, but to no effect. From the Earl of *Sunderland* they had no other Answer, But that the King had seen the Vice-Chancellor's Letter, and was offended at the Proceeding of the University, and would take order very shortly to give a farther Answer.



1688.

The King's promised Answer was sent to *Cambridge* soon after, by one *Aiterbury* a Messenger, and it was a Summons from the *Ecclesiastical Commissioners*, commanding the Vice-Chancellor to appear in Person before them, and the Senate by themselves and their Deputies, to answer to such things as should be objected against them. Then the Senate appointed *Dr. Peachel*, Vice-Chancellor, *Dr. Eachard*, Master of *Katharine-Hall*, *Dr. Babington*, *Dr. Smault*, *Dr. Cook*, *Mr. Billers*, *Mr. Newton*, *Mr. Smith*, and *Mr. Stanhope*, all Fellows of particular Colleges, to represent them at the Council Chamber, according to the Summons. Upon their appearance before the Lord Chancellor, Lord President, Earl of *Mulgrave*, Earl of *Huntington*, the Bishops of *Durham* and *Rockester*, and Lord Chief Justice *Herbert*; the Vice-Chancellor was asked, *why he had not obeyed the King's Commands, in behalf of Mr. Francis*; to which the Vice-Chancellor desiring time to answer, after three Quarters of an Hour Debate, the Register was ordered to tell him, that the Lords had granted him a Weeks time; which being soon come, the Vice-Chancellor put in his Answer in Writing, in the name of the University and Senate of *Cambridge*; containing a Citation of several Statutes, one made in the first Year of *Queen Elizabeth*, entitled, *An Act to restore to the Crown the Ancient Jurisdictions over the State Ecclesiastical and Spiritual, and Abolishing Foreign Power repugnant to the same*. Wherein it was Enacted, That every Person that should be promoted to any degree of Learning in the Universities, should take the Oath therein mentioned, whereby he should declare and acknowledge the King to be the only Supreme Governor of this Realm, as well in Spirituals as Temporals. A second Act made in the 5th Year to the same effect. A third made in the 3d Year of *King James I.* and a fourth made in the 9th Year of the same King, entitled, *An Act for Administring the Oath of Allegiance*; by which it was Enacted, That the said Oath should be taken by the Vice-Chancellor, all the Principals of Houses, and by every other Person that should be promoted to any Degree, &c. Upon which it was further insisted, that both himself, as Vice-Chancellor, and every Member of the Senate, had taken the Oath. And the said Statutes were made for the preservation of the Doctrine professed by the Church of *England*, and the King's Rightful Power and Prerogative, and that they had

had offered the said Oath to *Alban Francis*, but he refused to take it. And upon his refusal, if they had admitted him, they should act contrary to the said Statutes, and it would be a breach of Trust, as well in the Vice-chancellor, as the Senate, and a violation of their Oaths; and for these Reasons they could not admit him. Leaving it farther to their Lordships Considerations, whether their Case were under their Cognizance? since the taking a Degree of Master of Arts, and the admitting or refusing to admit to such a Degree, was no Ecclesiastical matter, but of Temporal Cognizance. Lastly, they offered to their Lordships, that by the Statute of the 16th Year of King *Charles I.* there was a Clause, that no new Court should be erected or appointed within the Realm, which should have like Power, Jurisdiction, or Authority, as the High Commission then had, or pretended to have, and that all such Commissions and Grants, and all Powers and Authority granted thereby, should be utterly void. After the Answer was read, and the Court up, the Vice-Chancellor and the Delegates were sent for into the Council Chamber, where they were acquainted by the Register, That the Commissioners had put off the Proceedings in their Business till the 7th of *May* following, and that their Attendance was expected at that time. In the interim there was a Rumour spread abroad, *That the Lords had received a new Commission*; which was verified, by the Alteration of some of the Commissioners, yet the Gentlemen of *Cambridge* could not prove it; for if they could, the Commissioners were oblig'd to begin all again.

But the 7th of *May* being come, upon the Appearance of the Vice-Chancellor and Delegates, the Lord Chancellor put a Question to the Vice-Chancellor, *What the Oath was that he had taken*: The Vice-Chancellor, after some Hesitation, answer'd, *That it was in Substance, to administer and execute the Duty or Office of the Vice-Chancellor, which was stated by the Statutes of the University, and the Laws of the Land.* From whence another Question arose, *Whether he did not remember any Masters of Arts made without Oaths*? Dr. *Lightfoot* was instanced, but then Dr. *Cook* affirmed, That Mr. *Lightfoot* did subscribe to the 39 Articles, of which the first was the King's Supremacy; and the Lord Chancellor acknowledged, that Subscribing was Swearing. Upon this a third Question was ask'd, *Whether the Vice-Chancellor knew any Mandates from the*

*King refused by the University before? In answer to which it was intimated, That King Charles II. had sent his Mandate in behalf of one *Tarnell*, to the University, who upon refusing to take the Oaths, and the matter represented to the King, his Majesty was pleased to recall his Mandate.*

Vice-Chancellor of Cambridge &c. deprived by the Ecclesiastical Commissioners.

After these and some other such like trifling Questions, to shorten the Business, the Chancellor commanded the Company to withdraw, and after some time ordering them to be called in again, proceeded to pronounce Sentence upon the Vice-Chancellor, as being guilty of great Disobedience to the King's Commands, and other Crimes and Contempts; That he should be deprived of his Office of Vice-Chancellor, and suspended *ab Officio & Beneficio*, of his Headship of *Magdalen College*, and that he should not presume to meddle with any of the Publick Business of the University. Which Sentence was afterwards drawn up in Form, put in Writing, and fixed upon the Gates of *Magdalen College*, and *Dr. Ballardson* of *Emanuel College* chosen to succeed in the Office of Vice-Chancellor. And here we conclude this Trial (if it may be called so) and leave it to the Reflection of the Reader, whom we will accommodate with another Ecclesiastical Proceeding much of the same Nature.

Proceedings against *Magdalen College*.

The Presidentship of *Magdalen College* falling vacant by the Death of *Dr. Clerk*, the late President, notice was given by the Vice-President for a new Election, by fixing a Citation upon the Chappel Door, intimating the Vacancy, together with the time and place where it was to be done, as the Statutes of the College directed. However understanding that the King had granted his Letter Mandatory in behalf of one *Mr. Farmer*, they sent a Petition to Court, wherein they represented to the King, That in regard the said *Mr. Farmer* was incapable by their Statutes, of being President, therefore they besought him to permit them to have a free Election, or recommend to them some other Person, who was capable by their Statutes. Soon after the King's Letter came, and thereupon the Fellows were Summon'd together, to know of them whether they would Elect *Mr. Farmer*, in obedience to the King's Mandate; to which they answered, That in regard they had a Petition then lying before the King, they thought it convenient to stay till they had an Answer. At length, but not before the utmost time appointed by the Statutes was come, they



they received only a short Answer from the Lord President, That the King expected to be Obedied. But the Fellows, according to the Statutes, proceeded to the Election of a President, who being presented to the Visitor, was sworn, admitted, and took his Seat in the Chappel. In the mean time, to mitigate the King's Displeasure, the Fellows had taken all the care imaginable, by Petition to the King, and by writing to their Visitor, the Lord Bishop of Winchester and the Duke of Ormond, Chancellor of the University, setting forth their deep Affliction to find themselves reduced to that unfortunate Necessity, of their disobeying the King's Will, or violating their Consciences by notorious Perjuries, and all this after a gracious Declaration of Indulgence, and Liberty to tender Consciences.

But upon the News of this Election at Whitehall, the College had notice given, by a Letter from the Earl of Sunderland, that the King was much surpris'd at their Proceedings, and expected they should send him an Account of what had pass'd on that occasion. Upon which their Case was stated and sent up to London, setting forth the Incapacity of the Person recommended, and the Obligations of Oaths which they lay under, not to admit of any Dispensations, by whomsoever procur'd and granted. Upon this a Citation followed from the Commissioners for Ecclesiastical Causes, &c. requiring the Fellows, or such as they deputed, to appear at Whitehall. The College sent Dr. Aldworth, Vice-President, Dr. Fairfax, Dr. J. Smith, Mr. Hammond, Mr. Dobson, and Mr. Fairer, who were at their appearance demanded why they refused to obey the King's Mandate? At the time limited by the Commissioners to make their reply, they put in their Answer in writing to this Effect; That Magdalene College as a Body Corporate was Governed by Local Statutes granted by Henry VI. for him, his Heirs and Successors, and confirmed by several Kings of England: That by the said Statutes, the President was to be of a good Life and Understanding, and otherwise so and so qualified, as to render him fit for such a charge: That they were bound by Oath not to admit any to that Office, but Fellows of that, or New College. Further, That no Fellow was admitted but he was first Sworn to observe all the Statutes and Ordinances of the College: And that they were Sworn also not to make use of, or consent to any Dispensations, by what Authority soever, or under what Form of Words, whatsoever granted. And there-

688. therefore in regard they could not comply with his Majesty's Letters, for the Election of Mr. Farmer, being a Person no way qualified, as the Statutes of the College required, without a manifest Violation of their Oaths, and hazard of their legal Interest and Prosperity, they had elected Dr. Hough, a Person every way qualified as the Statutes directed, and according to their indispensable Obligations to observe the Founder's Laws.

Here Dr. Fairfax desired to put in a particular Plea for himself, why he did not Subscribe; and farther insisted, That the matter then before the Commissioners, did not lie in that Court. To which the Chancellor replied, he was a Doctor of Divinity, and not of Law; But he desiring to know by what Commission they sat, the Chancellor was so incensed thereat, that he passionately asked the Doctor, what Commission he had to be so independent in Court; and told him, that he ought to be kept in a dark Room: He asked the Fellows, why they suffered him without a Guardian, and why they did not bring him to his Lordship to beg him. And then ordering the Fellows to withdraw, after a full Hours Debate, ordered the Vice-President and the Delegates, to appear Wednesday the 21 of June following.

The Fellows at the time appointed, made their appearance, and delivered in their Reasons, why they did not Elect Mr. Farmer, as being a Person that had misbehaved himself while he was at Trinity College in Cambridge, where he had received Admonition from the Master, in order to his Expulsion. 2. That he had taught School at Chippenham in Wiltshire, under a Nonconformist Minister, without License. 3. That being entred into Magdalen-Hall in Oxford, he was of so violent and troublesome a Humour, that to preserve the peace of the Society, he was desired to leave the Hall. 4. He being admitted some time after into Magdalen College in Oxford, he declared, there was no Protestant but would cut the King's Throat; yet that he was in reality of the Church of England, only he made an Interest with some Roman Catholicks to get Preferment. 5. That the very time the King's Letters arrived at the College on his behalf, he was at Abington, in very ill Company, drinking to Excess; and was one of those that in the Night time threw the Stacks into the River; for proof of which, they delivered Letters and Certificates under the Hands of several Persons. The consideration of these Objections

ons prevailed so far, that Mr. Farmer was laid aside, but the Vice-President, and Dr. Hough were both suspended, the Doctor under notion of being illegally Chosen, and the Vice-President, together with the rest of the Delegates, for Contempt of the King's Letters.

Soon after a second Mandate was sent to the College, requiring the Fellows to admit the Bishop of Oxford to the Presidentship, and at the same time a Letter from the Earl of Sunderland was sent to the Senior Fellow, to let him know, that the King expected a ready Obedience to be paid to his Pleasure; and desiring from him a speedy Account of the Fellows Proceedings: But the Fellows still persisting in their steady Resolutions, to the observance of the Statutes of the College, according to their Oaths, nothing was done to the King's Satisfaction. But when his Majesty in his Progress (as we intimated before) came to Oxford, the Fellows were ordered to attend him at Christ-Church, where he then lay. After Admittance into the King's presence, he told them, *that they had not dealt with him like Gentlemen, but shew'd themselves very uncool and undutiful.* At which the Fellows falling upon their Knees, presented a Petition to the King, containing their Reasons why they could not admit the Bishop; being to the same Effect with those they had given, for the refusal of Mr. Farmer: But the King would not receive it, saying, That they had been a turbulent and stubborn College, and that he had known them to be so these 26 Years; he taxed them with their Church of England Loyalty, and bid them be gone, and know that he was their King, and would be obeyed, and commanded them to admit the Bishop of Oxford, threatening that upon refusing him, they should feel the weight of their Sovereign's Displeasure. And after a second acting, upon their confirming the Election of Mr. Holben, after the Royal Inhibition, he bid them go and Elect the Bishop of Oxford, else they must feel the weight of his Hand.

But all the King's Threats and Commands were not (as the Fellows urg'd) to stand in competition with Perjury, which they would be guilty of in electing the Bishop, recommended by the King; therefore an inferior sort of Commissioners for Ecclesiastical Causes and Visitations, &c. viz. the Bishop of Chester, Dr. Cartwright, Sir Robert Wright, Chief Justice of the King's Bench, Sir Thomas Jenner, one of the Barons of the

Exchequer,



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Exchequer, were sent down to Oxford, to Visit *Magdalen College* in particular. The Fellows were summoned in before these Commissioners, that sat in the College-Hall. Upon their Appearance, after a light of their Commission was deny'd. Dr. *Hough*, one of the Fellows, was asked whether he would submit to the Visitation or no? He declared in his own, and the name of the greater Number of Fellows, that they did submit to the Visitation, as far as it was consistent with the Laws of the Land, and the Statutes of the College, and no farther, and desired it might be Recorded. Here the Chief Justice demanded to know of the Doctor, whether he thought they came to act against the Law: The Doctor replied in plain terms, That their Commission gave them Authority to change and alter the Statutes, and make new ones as they thought convenient; but that he had Sworn to admit neither of any new Statutes nor Alteration in the Old; and therefore he neither could nor would admit of any Alterations. After several Disputes on both sides, the Bishop of *Chester* demanded all their Registers, with an account of the Benefactors, what Money every one gave, for what use, and how employed; and a Copy of all their Leases they had let for two Years last past, to whom let, and what Fines they had received. And so the Fellows were dismissed at that time.

Upon their next sitting, Dr. *Hough* being sent for before the Commissioners by himself, was immediately asked whether he submitted to the Decree of the Commissioners, by which his Election was declared void. The Doctor made answer, that it was a nullity in it self, from the beginning to the end, he having never been cited, nor having ever appeared before them, and therefore could not submit to that Decree. In the next place he was questioned whether he would deliver up the Keys of the President's Office and Lodgings, to the Person appointed by the King to be the President. To which the Doctor smartly replied, *That he had neither seen nor heard any thing to induce him to it.* Then the King's Proctor stood up and accused the Doctor of Contumacy, and the Bishop of *Chester* admonished him three times to depart peaceably out of the Lodgings, and to act no longer as President, or pretended President of the College, which being done, his Name was struck out of the Buttery Book, and the Fellows and the rest of the Society, admo-

admonished in like manner, no longer to submit to his Authority.

This being done, the Court Adjourned, and upon their next meeting, it was propounded to the Fellows in general, whether they would assist at the Admission of the Bishop of Oxford to be install'd President, by virtue of the King's Mandate? To which they answered, that they were under Oaths to the contrary, and therefore would not do it. But in the midst of this Examination, the President came into the Court, without any attendance, and applying himself to the Commissioners, protested against all their Proceedings, and against all that they had done, or hereafter should do, in prejudice of his Right, as illegal, unjust and null, and therefore he appealed to the King in his Courts of Justice. Upon this the Strangers and Scholars that were in the Hall, gave a Hum; which so incensed the Commissioners, that notwithstanding all the Protestations the President and fellows could make, the Lord Chief Justice would not be pacified, but charging it upon the President, bound him in a Bond of a thousand pound, with security to the like value, to appear at the King's Bench Bar.

The Commissioners finding still the Fellows resolute in their Determinations, adjourned into the Chappel, and put Mr. Wiggins the Bishop of Oxford's Chaplain into the President's Stall (not one of the Fellows being present but only Mr. Charnock) where he took the Oaths which the Statutes enjoined the President to take at his admission, together with the Oaths of Allegiance and Supremacy. Which done, he was conducted by the Commissioners to the Door of the President's Lodgings, where, after they had knocked three times, and found that no body opened the Doors, they returned to the Publick Room, and ordered a Smith to be sent for to force them open; which being done, they gave Mr. Wiggins possession of the Lodgings, where he dined that day, in token of an absolute Confirmation.

After this, another Question was put to the Fellows, whether they would submit to the Bishop of Oxford, as then installed President, by virtue of the King's Mandate. To which Dr. Fairfax resolutely made Answer, *That he neither could nor would obey the Bishop of Oxford;* and being further asked, whether he submitted, to the Authority of the Court; he denied it then, as formerly he had done at Whitehall. Upon this Answer of his, his

1688 his Place was immediately declared void, and he commanded to depart quietly from the College within 14 Days. Next Mr. Fulham was asked particularly, whether he would obey the Bishop of Oxford? To which he made a reply, That Dr. Hough being duly elected and admitted President, and having no way forfeited his Right, he could obey no other Person as President, adding withal, that the Bishop had not Possession in due Form of Law, nor by the proper Officers; which the Chief Justice taking an Affront to his Knowledge in the Law, Mr. Fulham was forthwith Suspended from the profits of his Fellowship, during the King's Pleasure. Hereupon the rest of the Fellows were demanded whether they would obey the Bishop of Oxford as their President? They unanimously (except two) answered in the Negative. Upon that the Bishop of Chester made a long Speech, setting forth the Quarrelsome and Factionous Humour of the Society in General, and their particular Disobedience and Contumacy to the King, in the refusal of Mr. Farmer, and the Bishop of Oxford; and after he had brought his long Harangue to a Conclusion, he proposed a Submission for them to sign, being in substance, *That they should acknowledge with all Humility their Contempt to the sacred Person of the King, and his Letters, and promise to behave themselves Loyal for the future; and own the Proceeding and Legality of the Court, and implore the King's Pardon, and cast themselves at his Feet.* But all the Fellows (Mr. Thomas Smith and Mr. Charnock excepted) refused to sign it, and thereupon they were to the number of 26 pronounced guilty of Disobedience to his Majesty's Commands, and of persisting in their Contempt; and therefore condemned to be Deprived and Expelled from their respective Fellowships: And further, they were all made incapable of being received or admitted into any Ecclesiastical Dignity, Benefice or Promotion. And such as were not yet in Holy Orders, were adjudged incapable of receiving, or being admitted into the same.

The Fellows of  
Magdalen-  
College  
deprived.

After the pronouncing this severe Sentence, the Court broke up, as we do this unaccountable Proceeding, and return to London, where we find the Bishops that were committed to the Tower, now on their Tryals; and to be a little particular in this important Affair, take the following Account.



The Bishops upon the 15th of *June*, being the first 1688.  
 day of the Term, were brought by a *Habeas Corpus*, to  
 the *King's Bench Bar*, in order to be charg'd with an In-  
 formation, which the Attorney General moved, that  
 might be read to the Bishops, in order for them to plead  
 to it. This the Bishops Counsel opposed, alledging, that  
 if the Prisoners were not regularly before the Court, as  
 not being brought in by the due Process of the Court,  
 then the King's Counsel had no Power to charge them  
 with an Information; and to make out the Irregularity  
 of the Commitment, it was argued, that it did not ap-  
 pear, that in the Time of the Commitment, there was  
 any cause to imprison the Bishops, or by the Warrant  
 any cause to detain them; for the Return did not say Bishops  
 they were committed by the Lords in Council, but by Tryed.  
 the Lords of the Council, who had no power, unless in  
 Council, to make a Warrant for the Commitment of any  
 Person; so that if the Bishops were committed by those  
 who had no power to commit them, and so were brought  
 by Writ of *Habeas Corpus* to the *King's Bench*; the Court  
 had no power to commit them. 2. The Bishops Coun-  
 sel pleaded, That no Peer of *England* could be commit-  
 ted to Prison for a Misdemeanour, especially at the first  
 instance; which further made out, that the Bishops were  
 not legally in Court.

On the contrary side, the King's Council argued,  
 That the Lieutenant of the Tower could not well make  
 any other return, and that it was well known, that the  
 Lords who signed the Warrant, were Lords of the Coun-  
 cil, and that it would not be thought otherwise, but  
 they were in Council when they sign'd the Warrant;  
 and therefore the Return was good, and consequently  
 the Prisoners legally brought before the Court. In an-  
 swer to the second Objection, that a Peer could not be  
 committed upon a bare Misdemeanour, which they  
 own'd to be true, yet they argued if it were such a Mis-  
 demeanour as required Sureties of the Peace, he might,  
 and that the Misdemeanour was such, was apparent, be-  
 cause it was for Publishing a Label to the King's Face,  
 and for that there was *Vi & Armis* in the Information;  
 but after a sharp Contest on both sides, the Judges over-  
 ruled it for the King, tho' indeed Mr. Justice *Powel* was  
 of Opinion, That the Objections of the Bishops Coun-  
 sel were of more weight, than to be so easily determin-  
 ed, but the King's Council having gain'd this Point, the  
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Information was read; That the Archbishop of *Canterbury*, and Bishops of *St. Asaph, Ely, Chichester, Bath and Wells, Peterborough, and Bristol*, did unlawfully, maliciously, seditiously and scandalously Compose and Write, a certain false, pernicious and seditious Libel, and being so Composed and Written, by Force and Arms, did Publish the same in the Presence of the King. Which seditious Libel was the Petition already mentioned. After the Information was read, the Bishops Council mov'd for an Imparlance, and to have a Copy of the Information, that the Bishops might have Time to Plead; that the King's Council oppos'd, and insist'd that the Bishops might Plead forthwith, which occasioned a sharp and a long Contest on both sides, till the Master of the Crown Office gave them to know, that it had been the practice of the Court, for a dozen Years, that every Person that appear'd upon Recognizance, or was any way in Custody, was to Plead presently; and thereupon the Court over-ruled that Debate too for the King. Thereupon the Lord Archbishop of *Canterbury* tender'd a short Plea in Writing to the Court, desiring it might be admitted; which the King's Council deny'd, and would allow only that it should be read, which being done, it appear'd to be no more, than what had been insist'd upon before by the Bishops Council, viz. That the said Bishops were Peers and Lords of Parliament, and for that reason ought not to be compell'd to answer instantly to the Misdemeanour mention'd in the Information, but to have reasonable Time to imparl and advise with Counsel, &c. this Paper occasioned another long Debate between the Counsel on both sides, but the Chief Justice giving his Opinion, that the Plea contain'd no more than what had been over-ruled already, and that therefore the Court was not bound to receive it; then each of the Bishops were forced to answer to their Titles, and thereupon pleaded, Not Guilty; then the King's Attorney General gave notice of a Trial at the Bar the same Day forthwith, and the Court took single Recognizances from the several Prisoners to appear at the Day prefix'd; the Archbishop was bound in 2000 Pounds, the rest 1000 a piece.

The Time being come, viz. the 9th of July, the Bishops made their Appearance at the Bar, the Information was read, the Substance of which we have given you already. In the first place several Proofs were brought

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to prove his Grace's Hand, and the Hands of the rest of their Lordships, by Comparison of Hands, but that Comparison was proved in a very uncertain manner. Some try'd they knew not what to believe, others that it was rather such a Lord's Hand, &c. The Bishops Council would by no means allow Comparison of Hands to be good Evidence, in Case of a Misdemeanour; and Mr. Justice *Powel*, and Mr. Justice *Holloway* concurred with them, and alledged that Comparison of Hands was too slender a Proof in Criminal Matters; and more particularly Mr. Justice *Powel* told the Solicitor that the Paper was not sufficiently proved to be subscribed by the Lords Bishops; so that when the Petition was offered to be read in Court, with the Bishops Names to it, it was rejected upon the Division of the Judges Opinions. But now comes one of the Clerks of the Council, who swore that his Grace of *Canterbury*, and the rest of their Lordships, own'd their Superscriptions at the Council-Table; upon that the Petition was openly read and urged by the King's Counsel, as full Evidence. Here the Bishops Counsel urged, That there was no Evidence of the Fact, either of Writing or Publishing the Petition in *Middlesex*, as it was laid in the Information. And further insisted, That whereas the Information set forth, that the Lords Bishops, under pretence of a Petition, had made a Libel, there was no Petition at all set forth, the Title of Address, and the petitionary part being omitted, which was both Disingenuous and Injurious, in regard the part omitted might alter the Sense of the whole. That it was not writ in *Middlesex*, the Bishops Counsel proved, for that his Grace had not been out of *Lambeth-House* not in two Months before the Order was made, till he was before the Council. And as to the Publishing of it by the Bishops, it was not proved neither on the King's side, since the owning of a Paper upon a Question, put by the King himself, could be no Publication of a Libel, for that if a Man were asked by Authority, whether such a Paper were his Hand, and he acknowledg'd it in answer to the Question, to turn that to a Crime, was a thing that could never be done, nor ever was done; and Sir *Geo. Treby* was of Opinion, that the King's Counsel were so far from proving that the Bishops did Publish the Paper, that they had rather proved their Lordships did not Publish it, to which the whole Court at

length



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length agreed, that there was no sufficient Evidence of the Bishops publishing the Paper in *Middlesex*, and that Mr. *Blathwait*, Mr. *Bridgman*, and Sir *John Nichol* were call'd again, to try if they could have made a Publication of it by the Bishops, yet they could make nothing of it, but that the King was rather the Publisher of it by bringing it himself into the Council.

Upon this the Lord President came into Court, whose Evidence was like to turn the Scale, now bending on the Bishops side, very much against them; for he Swore that the Bishops of *St. Asaph* and *Chichester* came to his Office, and told him, that they came in the Name of the Lord Archbishop of *Canterbury*, and four others of their Fraternity, with a Petition which they desired to deliver to the King, and came to him to know which was the best way of doing it, and whether the King should give them leave or no: That they would have had him to read the Petition, which he refused, as not at all belonging to him to do, however that he would acquaint the King with their Desires, and bring them an Answer forthwith; both which he accordingly did, and that his Majesty's Answer which he brought the two Bishops was, That there was Admittance for them when they pleased: Upon this Answer the two Bishops went and fetched the other Bishops, and when they came immediately went into the Bed-Chamber, and so into another Room, where the King was. This Evidence was not so much against the Archbishop, as the other Bishops, and the Business was left here to the Jury. Then Sir *Robert Sawyer*, in summing up the whole to the Jury (whose Names to their perpetual Honour were, Sir *Roger Langley*, Sir *William Hill*, *Roger Jennings*, Esq; *Tho. Harriot*, Esq; *Jeophery Nuningall*, *Will. Wither*, Esq; *Will. Avery*, *Tho. Austin*, *Nicholas Grace*, *Michael Arnold*, *Tho. Done*, *Richard Shoreditch*, Esqs) observed to them, That the Petition contain'd nothing of Sedition in it, but that it was only a bare Excuse of their Non-Compliance with the King's Order, and begging of the King with all Submission and Humility, that he would be pleased not to insist upon the reading his Declaration, because the dispensing Power, upon which it was founded, had been several times in Parliament, declared to be against Law; and because it was a cause of that Consequence, that they could not in Prudence, Honour and Conscience consent in it; and tho' Mr. *Atorney*

Attorney had charg'd it in his Information to be a false, malicious and scandalous Libel, yet he doubted not to make out the contrary; for if a Subject was commanded to do a Thing which he thought against the Law and his own Conscience, there was no Reason but he might apply himself to the King, and lay his Reasons at his Feet, why he could not concur with him in such a Command. So that the whole was no more, but that the Lords the Bishops being thus aggriev'd, made their Petition to the King in the most private and respectful manner they could; and therefore for the Attorney General to load it with such black, horrid Epithets, could be no small trouble to their Lordships, neither could they resent it less Injurious, that the Attorney General should draw so severe a Charge against them, when he had so little Evidence to make it out. Further, that there was no such Malice and Falshood in it, as the Attorney General pretended; which was evident from the Bishops Duty incumbent upon them, in reference to the People under their Charge, and their Interest in the Government, and the Reasons they gave, grounded upon the Illegality of the King's dispensing Power, so declared in Parliament.

Upon this a long and learned Dispute arose, concerning the King's assumed Power to suspend the Laws of the Realm at his Pleasure: The Chief Justice at first seem'd unwilling to enter upon the Dispute; but at the urgency of Mr. Justice *Powel*, affirming that it was necessary for them to fall upon that Point, for that if the King had no such Power (as clearly he had not in his Judgment) the natural Consequence would be, that the Petition was no diminution of the King's Legal Power, and so neither Seditious nor Libellous. Then the Chief Justice being satisfied of the necessity of deciding this great Point, upon which depended the whole Tryal, he comply'd with Mr. Justice *Powel*, and so both sides enter'd upon the Dispute eagerly, which being too tedious to be here inserted, we will refer the Reader to the Tryal of the Bishops at large.

Now the Lord Chief Justice in giving his Directions to the Jury, came to this Point, moved thereto more especially by the Lord *Sunderland's* Evidence, That if they believed the Petition presented by the Bishops to the King, was the same produced in Court, then the Publication was sufficiently proved: If they did not

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think it was the same Petition, then the Lords the Bishops were not guilty of the Publication. 2. Whether if it were the same Petition, it were a Libel or no? In this particular the Chief Justice gave his Judgment, that any thing which tended to disturb the Government, and make mischief among the People, was *Libellus Famulus*, and therefore his Opinion in short was, That it was a Libel. Here Mr. Justice *Holloway* gave his Opinion upon the whole; That the Intention of every Action was to be considered; That the Bishops were charged with delivering of a Petition, which, according as they made their Defence, was done with all the Humility and Decency imaginable, and as they were not Men of evil Lives, or the like, so the Delivery of a Petition by such could be no Fault, in regard it was the Right of every Subject to Petition. Therefore if the Jury were satisfied that they delivered the Petition with an ill Intent, then they were to find them Guilty; but if they did it to save themselves harmless, and to save themselves from blame, by shewing the Reasons of their Non-Concurrence with the Kings Commands, he could not think it to be a Libel. But Mr. Justice *Powel* went farther, and plainly declared, That he could not see any Thing of Sedition, or any other Crime fix'd upon the Reverend Prisoners the Bishops, for there was nothing offered by the King's Counsel, to make the Petition either False or Malicious. He farther propounded to the Jury the due Consideration of the Contents of the Petition, which was only this, That the Bishops apprehended the Declaration Illegal, as being founded upon a dispensing Power, which the King claims to dispense with the Laws in Ecclesiastical Affairs; as for his part he declared he did not remember in any Case in all the Law, that there was any such Power in the King; so that if there were no such Power in the King, the Petition could be no Libel, which alledged, that the Declaration being founded upon such a pretended Power was Illegal; but that the Dispensation assumed in the King's Declaration, was a Dispensation with a Witness, as amounting to a Repeal and Abrogation of all the Laws; and he knew of no difference of the King's Power to dispense with Laws Ecclesiastical, and his Authority to dispense with any other Laws whatsoever, which if it were allowed, there would be no need of Parliaments, since all the Legislative Power would be in the King; which was worth their Consideration.



On the contrary side, Mr. Justice *Altibon*, a profess Papist, flew out in the height of his Roman Zeal, and he was so eager upon the point, that his Tongue outran his Memory: for he made several mis-quotations, for which he was corrected by Judge *Powel*: and upon the farther information of his Error, made out by the Solicitor General, he was forced to acknowledge it, so that the Jury gave but little heed to his confused stuff. Now the Jury withdrew, and sat up all that Night, and the next morning brought in the Prelates not Guilty, to the great Joy and Satisfaction of all the Well-wishers of the Protestant Religion, and the very Soldiers upon the *Donation-Heath* were not deficient to give loud Demonstrations of their Joy upon this account; for as soon as the News of the Bishops acquittal arrived at the Camp, where the King was treated that very instant at my Lord of *Feverham* (General of his Army) in his Tent; the Soldiers gave a general Shout, which amazing the King himself, he sent the Earl to enquire the occasion of such a sudden signal of Mirth; the Earl returned and told the King, that it was nothing but the Soldiers Joy for the Bishops acquittal; which Answer was not well relished by his Majesty, as appeared by his reply, saying, *And call you that nothing?*

But notwithstanding the acquittal of the Bishops, the Commissioners of Ecclesiastical Causes went on still, and sent forth their Mandate, bearing date the 16th of August, to the Chancellors and Archdeacons of the several Diocesses throughout England, to make diligent Enquiry, and to send them an exact Account where and by whom the King's Declaration had not been Read, and who had not read it, according to the King's Order; but the Execution of this Commission, upon the apprehension (as was supposed) of the Preparations in Holland was stopped here, and we shall hear no more of it, till such time as it was dissolved by his Majesty's Orders. But here we are not to pass by in silence, that several Officers at this time were not a little dissatisfied at the Proceedings taken in the Army, in admitting into their Number a great many Irish Officers and Soldiers; and upon this occasion Lieutenant Colonel *Beaumont*, with the Concurrence of other Officers belonging to the Duke of *Bernick's* Regiment, then at *Portsmouth*, Addressed the Duke to this effect: That it was inconsistent with their Honours, to have Foreigners imposed upon them, and a diminution to the English.

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with *Vadon*, not to have their *Companies* filled up with their own *Nations*; and that it was their humble *Petition*, that leave should be granted them, to take into the *King's Service* his *English Subjects*, as being more suitable for the same, and more supportable to their *Honours*; else it was their humble *Address* to lay down their own *Commissions*. But for this plainness of theirs, they were *Casheer'd*, and had not come off so, had not at that time the *Memorial* of the *French Ambassador* arrived, intimating the danger we were in of an *Invasion* from *Holland*.

Now the *King*, apprehensive of some danger from the *States General*, ordered the *Marquess of Albeville*, his *Envoy* at the *Hague*, to put in this *Memorial*; which was done accordingly, on the 23 of *August*.

*High and Mighty Lords,*

Eng. Am-  
bassador's  
Memorial  
at the  
Hague.

“THE great and surprizing Preparations of War made by your Lordships by Sea and Land, in a season when all Action, especially by Sea, is laid aside, giving just cause of Alarm to all *Europe*, obliges the *King* my Master, who has had nothing so much in his Mind since his Accession to the Crown, as a continuation of the Peace and Correspondence with this State, to order me the *Marquess of Albeville*, his *Envoy Extraordinary*, to know your Lordships Intentions thereby. His Majesty, as your ancient Ally and Confederate, believes it just to demand this Knowledge, which he hoped, with good reason, to have heard from your Ambassador; but as he sees his Duty of Alliance and Confederation neglected, and that such Power is raising, without communicating the Intent in the least to him, he find himself obliged to reinforce his Fleet, and put himself in a condition to maintain the Peace of *Christendom*.

States  
Answer.

In answer to this, the *Dutch* returned, that they had Armed themselves in Imitation of his *Britannick Majesty*, and the other Princes, and that they had thereby given no just Cause of offence by Arming, when all other Princes were in motion; and that they were long since convinced of the Alliance, which the *King* his Master had treated with *France*, and what had been mentioned to them by *Count d'Avaux* in his *Memorial*. Which *Memorial* of the *French King* was put into the *States* on the 30th of *August*; wherein was declared, that the mighty and warlike Preparations of the *Dutch*, was most surprizing

ing to the *French King*, especially when he considered the present Juncture, being a time of Peace and Tranquillity, as also the late Season of the Year. That several Circumstances induc'd his Majesty to believe, that their Design was against *England*; but he thought fit to acquaint the States, that the Bonds of Friendship and Alliance between him and the King of *Great Britain* were so firm and unfringible, that he was not only to assist him, but also to look on the first Act of Hostility that should be committed either by Sea or Land, against his Majesty of *Great Britain*, as a manifest Rupture of the Peace, and a breach with his Crown.

But to return home, The King towards the latter end of *August*, declared in Council, that in pursuance of his late Declaration, he intended to call a Parliament to meet in *November* next; and in order thereto, directed the Chancellor to cause Writs to be issued forth upon the 5th of *September* ensuing; and upon the 21st of that Month his Majesty was pleased to publish another Declaration, intimating, That he had called a Parliament to meet at the time aforesaid, and that Writs of Summons were issued out accordingly, lest those whose Right it was to elect Members of Parliament, should be under any prejudices or mistakes, through the Artifice of disaffected Persons, he thought fit to declare, that it was his purpose to endeavour a legal Establishment of Liberty of Conscience for all his Subjects, and inviolably to preserve the Church of England, by a Confirmation of the several Acts of Uniformity. And for the farther securing not only the Church of England, but the Protestant Religion in general, he was willing the Roman Catholics should remain incapable of being Members of the House of Commons, to remove those Fears and Apprehensions, lest the Legislative Power should be ingrossed by them, and turned against the Protestants, he farther assured his loving Subjects, to do every thing else for their Safety and Advantage that became a King, who would be always careful of his People; exhorting them to lay aside all Animosities, and so to dispose themselves, as to think of such Persons to represent them in Parliament, whose Abilities and Tempers rendered them fit for so great and so good a Work.

But upon the neck of this, the King being further informed of the danger he was in from *Holland*, his Royal Proclamation was published in the *Gazette*, in which it was intimated, That the King had received undoubted Intelligence, That a great and sudden Invasion from *Holland*



1688. Holland was so beſieged by ſundry ſorts of Hoſtile ſpirits, upon this Religion, and that altho' ſome ſort of Recourses relating to Liberty, Property, and Religion might be given out, yet that an absolute Conqueſt, and the ſubduing of him and his Dominions to a Foreign Power, was the main thing deſigned by ſome Perſons of wicked and reſtleſſe Spirits, implacable Malice, and deſperate Deſigns; who having no Senſe of former Intefine Diſtractions, and the Miſeries attending them, nor moved by his reiterated Acts of Grace and Mercy, which always ſhewed themſelves in the Titles of his Pardons and Indulgences, did again endeavour to embroil the Kingdom in Blood and Rapine. However, relying upon the ancient Courage, Faith, and Allegiance of his People, as he had formerly ventured his Life for the Honour and Safety of the Nation, ſo he was now reſolved to Live and Die in Defence thereof, againſt all Attempts whatſoever. Further he gave the Nation to Underſtand, that he intended to have a Parliament in November next, but that this intended Invaſion had obliged him to recall his Writs directed to the Corporations; and about this time the King was pleaſed to create his Natural Son the Duke of Berwick, Knight of the Garter. Now it being the 2d of October, the Mayor, Aldermen and Sheriffs of the City of London, being ſent for, and attending the King at Whitehal, he was pleaſed to tell them, that out of his Concern for the Peace and Welfare of the City, and as a Mark of the great Confidence he had in them, at a time that the Kingdom was threatened with an Invaſion, he had reſolved to reſtore them their Ancient Charter and Privileges, to put them in the ſame condition they were, at the time of the Judgment being pronounced againſt them upon the Quo Warranto; and ſo they might be the better enabled to ſerve him with that Duty and Loyalty of which they had given his Brother and himſelf ſo many Teſtimonies; and his Maſteſty ſome time before was pleaſed to ſet forth

A general a General Pardon, excepting only Robert Parsons, Edward Pardon Maſters, Sam. Weller, Andrew Fletcher, Col. Ruſſey, granted. Major Manley, Isaac Manley, Francis Charlton, John Widdow, Tim. Oat, Robert Forgaſon, Gilbert Horner, Sir Robert Peyton, Lawrence Bradlow, Samuel Johnson, Tho. Tipping, Sir Rowland Gwin, &c.

Upon the 3d of October the Archbiſhop of Cant'bury, together with the Biſhops of London, Winchester, &c. Aſaph,

Bishops  
Advice to  
the King.

Edinburgh, Ely, Chichester, Bristol, Bath, and Wells, and Pr  
 sturbury, waited upon the King, and offered the fol  
 lowing Propositions to his Majesty's Consideration, after  
 the Archbishop, by way of Preface, had spoken thus:  
 "We, in these your Sacred Majesty's Councils, your Majesty  
 had lately the Honour to wait upon you, and you were pleased briefly to acquaint me with  
 what had passed two days before, between your Ma  
 jesty and those my Reverend Brethren. By which,  
 and by the Account which they themselves gave me,  
 I perceived, that in truth there passed nothing, but in  
 very general Terms and Expressions of your Majesty's  
 gracious and favourable Inclinations to the Church of  
 England, and of our reciprocal Duty and Loyalty to  
 your Majesty. Both which were sufficiently under  
 stood and declared before; and (as one of my Bre  
 thren then told you) would have been in the same  
 state, if the Bishops had not stirred one foot out of  
 their Diocesses. Sir, I found it grieved my Lords  
 the Bishops to have come so far, and to have done so  
 little; and I am assured they came then prepared to  
 have given your Majesty some more particular In  
 stances of their Duty and Zeal for your Service, had  
 they not apprehended from some words which fell  
 from your Majesty, that you were not then at leisure  
 to receive them. It was for this reason that I then  
 besought your Majesty to command us once more to  
 attend you altogether, which your Majesty was pleas  
 ed graciously to allow and encourage. We therefore  
 are here now before you, with all humility, to beg  
 your Permission, that we may suggest to your Ma  
 jesty such Advices as we think proper at this Season,  
 of and conducing to your Service, and so leave them to  
 your Princely Consideration. Which the King being  
 graciously pleased to permit, the Archbishop proceed  
 ed as followeth:  
 "Our first humble Advice is, That your Majesty will  
 be graciously pleased to put the management of your Go  
 vernment in the several Countries, into the hands of  
 such of the Nobility and Gentry, there, as are legally  
 qualified for it.  
 "And That your Majesty will be graciously pleased to an  
 noint your Commission for Ecclesiastical Affairs, and that

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no such Court as that Commission sets up, may be erected for the future.

III. That your Majesty will graciously be pleased, that no Dispensation may be granted or continued, by virtue whereof, any Person not duly qualified by Law, hath been, or may be put into any Place, Office, or Preferment in the Church or State, or in the Universities, or continued in the same, especially such as have Cures of Souls annexed to them, and in particular, that you will be graciously pleased to restore the President and Fellows of St. Mary Magdalen College in Oxford.

IV. That your Majesty will graciously be pleased to set aside all Licenses or Faculties already granted, by which any Persons of the Romish Communion may pretend to be enabled to teach Publick Schools; and that no such be granted for the future.

V. That your Majesty will be graciously pleased to desist from the Exercise of such a Dispensing Power as hath of late been used, and to permit that point to be freely and calmly Debated and Argued, and finally settled in Parliament.

VI. That your Majesty will be graciously pleased to inhibit the four Foreign Bishops, who stile themselves *Vicars Apostolical*, from further invading the Ecclesiastical Jurisdiction, which is by Law vested in the Bishops of this Church.

VII. That your Majesty will be pleased graciously to fill the vacant Bishopricks, and other Ecclesiastical Promotions within your Gift, both in *England and Ireland*, with Men of Learning and Piety; and in particular (which I must own to be my peculiar boldness, for 'tis done without the privity of my Brethren) That you will be graciously pleased forthwith to fill the Arch-Episcopal Chair of *York* (which has so long stood empty, and upon which a whole Province depends) with some very worthy Person: For which (pardon me, Sir, if I am bold to say) you have now here before you a very fair Choice.

VIII. That your Majesty will be graciously pleased to Supercede all further Prosecution of *Quo Warranto's* against Corporations, and to restore to them their ancient Charters, Privileges, and Franchises, as we hear God hath put into your Majesty's Heart to do for the City of *London*, which we intended to have made otherwise one of our principal Requests.

IX. That



IX. That if it please your Majesty, Writs may be issued out with convenient speed, for the calling of a free and regular Parliament, in which the Church of England may be secured according to the *Acts of Uniformity*; provision may be made for a due *Liberty of Conscience*, and for securing the Liberties and Properties of all your Subjects; and a mutual Confidence and good Understanding may be Established between your Majesty and all your People.

X. Above all, That your Majesty will be graciously pleased to permit your Bishops to offer you such Motives and Arguments as (we trust) may, by God's Grace, be effectual to persuade your Majesty to return to the Communion of the Church of England, into whose most holy Catholick Faith you were Baptized, and in which you were Educated, and to which it is our daily earnest Prayer to God, that you may be re-united.

These, Sir, are the humble Advices, which out of Conscience of the Duty we owe to God, to your Majesty, and to our Country, We think fit at this time to offer to your Majesty, as suitable to the present State of your Affairs, and most conducing to your Service; and so to leave them to your Princely Consideration. And we heartily beseech Almighty God, in whose hands the Hearts of all Kings are, so to dispose and govern yours, that in all your Thoughts, Words and Works, you may ever seek his Honour and Glory, and study to preserve the People committed to your Charge, in Wealth, Peace and Godliness, to your own both Temporal and Eternal Happiness. *Amen.*

We do heartily concur, *W. Cant.*

*Fran. Ely.*

*Jo. Cicester.*

*H. London.* *Tho. Roffen.*

*P. Winchester.* *Tho. Bath & Wells.*

*W. Asaph.* *Tho. Petriburg.*

In compliance to the Bishops Petition, the King Ecclesiastical thought fit on the 5th of the said Month to dissolve the said Commission for Causes Ecclesiastical, and ordered mission the Chancellor to cause the same forthwith to be done, dissolved, and on the 12th having declared his Resolution to preserve the Church of England in all its Rights and Immunities, as a Token of his Sincerity therein, ordered that

1688. that the Fellows of *Magdalen College* in *Oxford* should be restored to their Properties again, and the Bishop of *Winchester*, the Visitor of the said College, was to see the Regular Settlement thereof, which was done soon after, by re-appointing *Dr. Hough* President, and the Fellows in their respective Places.

Charter  
of London  
restored.

Now *Jefferys*, the Lord Chancellor, who had been very instrumental to have Sentence pronounced against the Charter of the City in the Reign of King *Charles II.* viz. in the Year 1683, upon no other Reasons than these two, which were deemed Crimes, that the City had made an Address to the King for the sitting of the Parliament, to redress Grievances. The second was, That the City had raised Money towards Repairing of *Chesham* Conduit, ruined by the Fire of *London*, he was forced (and that most justly) to carry back the said Charter to *Guild-Hall*, in a very great Formality, and make a submissive Resignation of the same to the City, to the unexpressible Joy of the Beholders; and upon the 15th of this Month a Proclamation was issued forth, for restoring the Corporations to their ancient Charters, Liberties, Rights and Franchises, &c. and upon the same day the Person owned by the King for his Son, was Christened; the Pope, represented by his Nuncio, being Godfather, and the Queen *Dowager* Godmother; and within two days after the King, that he might not be wanting in his Resolutions, to provide for the Safety and Defence of his Territories, by publick Proclamation, required his Lieutenants and Deputy-Lieutenants, and all other Officers concerned, to cause the Coast to be strictly Guarded, and upon the first approach of the Enemy, to cause all the Horses, Oxen and Cattel, which might be fit for Draught, to be driven and removed 20 Miles at least from the place where the Enemy attempted to Land.

After this the King, on the 22d of the said Month commanded a particular Assembly of his Privy-Council to meet, and having sent for all such Peers of the Realm both Spiritual and Temporal, as were in Town, together with the Lord Mayor and Aldermen of the City of *London*, the Judges, and several of his Council Learned in the Law, delivered himself to this effect: That he had called them together upon a very extraordinary Occasion, but that extraordinary Diseases required extraordinary Remedies; That the malicious Endeavours of his Adversaries had so poisoned the Minds of some of his

King's  
Speech to  
the Privy  
Council,  
&c.

1688.

his Subjects, that very many of them did not believe, that the Son which God had blessed him was his, but a supposed Child. However he could say that by a particular Providence, scarce ever any Prince was born where there were so many Persons present. That he had taken that time to have the matter heard and examined, expecting that the Prince of Orange, with the first Easterly Wind, would invade the Kingdom. And therefore as he had often ventured his Life for the Nation before he came to the Crown, so he thought himself more obliged to do the same being King, and did intend to go against him in Person; by which, in regard he might be exposed to various Accidents, he therefore thought it necessary to have this done first, to satisfy his Subjects, and prevent the Kingdom being engaged in Blood and Confusion, after his Death. After which, Affidavits the Affidavits of several Ladies were produced, of which about the some swore, That they saw Milk upon her Majesties pretend-Smock (for they did not mince the matter) others, that ed Prince they saw the Midwife take the Child out of the Bed of Wales, another, that she stood by the Bed-side when her Majesty was Delivered; another Swore, that having had the honour to put on her Majesties Smock, she saw the Queen's Milk; another deposed, that she saw the Queen in Labour and heard her cry out much; and another swore, that she saw the Midwife give the Babe three drops of the Blood of the Navel-string, mixt with Black Cherry-Water, with a great deal of other Circumstances, which Modesty will not permit me to set down in this place.

Then the Affidavits of the Lords were produced, among whom one swore, that he saw Mrs. Labadie carry the Child into another Room, whither he followed her, and saw the Child when she first opened it, and saw it was Black and Reeking; another swore that he saw the Child, and that it had the Marks of being New-born; another swore that he heard the Queen make three Groans or Squeaks, and at the last of the three, the Queen was delivered of a Child. The Doctors that attended the Queens Delivery, swore what was proper, but not fit to be Republished, though the Depositions taken then were Printed at large, and what every particular Person deposed, to which I refer my Reader, if he be such as delights in such Baldendash. After the Depositions were read, the King delivered himself to the Lords

King's  
Speech to  
the Privy  
Council,



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Lords and other Persons then before him, thus. *Although, My Lords, I did not question, but that every Person here present was satisfied before, yet by what you have heard, you will be the better able to satisfy others; besides, said he, could I and the Queen have been thought so wicked, as to endeavour to impose a Child upon the Nation. They saw how impossible it should have been; neither could he himself have been imposed upon, having constantly been with the Queen during her being with Child, and the whole time of her Labour; and therefore there was none of them but would easily believe him who had suffered so much for Conscience sake, incapable of so great a Villany, to the prejudice of his own Children. Lastly, He thanked God, That those that knew him, knew well, that it was his Principle to do as he would be done by, and that he would rather die a Thousand Deaths, than do the least wrong to any of his Children.*

P. of O. im.  
barks for  
England.

The Prince of Orange having now all things in readiness, his Fleet consisting of 52 Men of War, besides a convenient number of Victualers, and Vessels for the Transportation of the Land Forces; the Prince, Embarked on a Frigate of about 34 Guns, and had on Board with him Count Nassau, General of the Horse, besides other Persons of Quality; and at the same time, the Count de Stirum, Count de Solmes, the Sieur Bentinck, the Sieur Overkirk, the Marechal de Schomberg, his Son Count Charles, went on Board other Frigates, and so on the 26th of October set sail from the Flats near the Brill, with a Wind at South West, and by South; and the next day coming in sight of Scheveling, the Wind being a little more Westward, a terrible Storm arose, which continuing for two Days and Nights, they were forced to put into Harbour again; and such was the Policy of the States, in order to make the English Court more remiss in their Preparations, that the *Harlem* and the *Amsterdam* Gazettes, were ordered to make a very great Enlargement of the damage sustained by the Fleet: As that the Prince had lost in the Hurricane Nine of his Men of War, and several other Vessels; That 1000 of his Horse were drowned; That a Calenture was got among the Seamen; That Dr. Burnet, and several other of the Princes chief Ministers were lost, and the loss was so great upon all Accounts, that it would be a thing next to impossibility, for the Prince to pursue his Designs till the Spring; but the loss in reality was very considerable,

considerable, for after the damage sustained was repaired, the Fleet set Sail again. On the 3d of November, between ten and eleven of the Clock in the Morning, they appear'd about half Seas over, at length they came in sight of *Dover*, at what time the Prince had Intelligence brought him, that the English Fleet being 34 Sail, lay at the Buoy in the Nore, the Wind contrary, at E. N. E. then the Prince Steering a Channell Course Westward, the Wind at last coming North East, a very fresh Gale, on the 5th of November (a day Chronicled by the English before, for the Detection of the Gun-powder Treason) the Fleet came into *Torbay*, and Landed there without any opposition, the Prince was in the Ship called the *Brill*, carrying a Flag with English Colours, with this Motto, *The Protestant Religion and Liberties of England*; and underneath instead of *Dieu est Mon Droit*, *Je maintiendray*, that is, *I will maintain it*. After the Prince's Landing, he in very good order directed his March towards *Exeter*, where at his first Arrival Capt. *Hicks* had posted to list Soldiers in the Service of his Highness, but the Mayor of that City had detained Mr. *Hicks*, and committed him to the Custody of two Constables; when the next Day the Lord *Mordant* and Dr. *Burnet* (now Bishop of *Salisbury*) arrived with two or three Troops of Horse, and commanding the Gates to be opened, set the Captain at liberty, and went to the Mayor and demanded of him whether he would meet the Prince at the City Gates, which the Mayor denied, as being under Obligation of an Oath to the King, and therefore desired, that the Prince should lay no such commands upon him, in opposition to his Allegiance and Conscience; upon this they pressed him no more, deeming the Mayor's Objections legal and reasonable: Upon Friday following, the Prince attended with his Guards entered the City, and took up his Quarters at the Dean's House, having before posted his Troops in the most advantageous Posts in the adjacent Parts, and encamped his Foot upon *Clist* Heath. The Prince, sometime after his arrival at *Exeter*, in a full Auditory, caused his first Declaration to be read, which was in substance to vindicate the Religion and Liberties of *England* from Popery and Arbitrary and Dispensing Power, lately put up in the Nation, to assert the Succession to the Crown, inquire into the Birth of the pretended Prince, and in short to redress all other Irregularities in

P. of O.  
Lands in  
England.

1688. Ecclesiastical, Civil, and Military things, which were alledged to be very great, and the Nation in much danger of being ruined by them.

King  
goes to  
the Army  
at Salis-  
bury.

But to return to the King, whose Resolutions (in this dangerous Conjunction) seem'd very eager and firm to oppose the Prince in Person, in order thereto the Standing Army was diligently Mustered upon *Hounslow Heath*, and were ready to March where-ever commanded, to make Head against the Prince, neither was *Tyrconnel* in *Ireland* less solicitous in the behalf of the King his Master; for at the News of the Prince's design'd Landing, he dispatched away about 3000 of the fairest and likeliest *Irish* for *England*. Now the King caused the Train of Artillery to be drawn out of the *Tower*, and to be put on Carriages, before prepared, to March before him. On the 19th of *November*, about four in the Evening, he arrived at *Salisbury*; and within a Mile of the City, he was met by the Duke of *Berwick*, the Earl of *Feverham*, and other Commanders on Horse-back, and was attended by the Mayor and Aldermen in their Formalities, and conducted to the Bishop's Palace, which was to be his Lodgings during his stay there. Now being informed that several of the Nobility and Gentry were gone to the Assistance of the Prince of *Orange*, he issued out a Proclamation on the 20th of *November*, offering Pardon to all his Subjects that had taken up Arms under the Prince, if they returned in 26 Days, and surrendered themselves to his Officers, Military and Civil, &c.

In the mean time the Prince lying at *Exeter* for some Days, was impatient of the Conjunction of such Gentlemen as resided near his Court, and could not choose but signify his Resentment to the first that join'd him to this effect; That tho' he knew not all their Persons, yet he had a Catalogue of their Names, and remembred the Character of their Worth and Interest in their Country; that they saw that he had not fail'd to comply with their Invitation, and perform that his Promise; that his Duty to God obliged him to protect the Protestant Religion, and his Love to Mankind, their Liberties and Properties; that he expected them that dwelt so near the place of his Landing, would have joined with him sooner, not that it was then too late, or that he wanted their Military Assistance so much as their Countenance and Presence, to justify his declared Pretensions: How-  
ever,



ever, tho' he had brought both a good Fleet and a good Army to render those Kingdoms Happy, yet he relied more upon the Goodness of God, and the Justice of his Cause, than any human Force or Power whatever: Yet since it pleased God that he should make use of human Means, and not expect Miracles, he admonished them not to neglect this gracious Opportunity, but with Prudence and Courage to put in Execution their honourable Purposes, and to drawing to a Conclusion, he bid them heartily welcome to his Court and Camp, &c.

King receives ill News from all Parts.

The King had not been long at *Salisbury*, before he was informed of the Association at *Exeter*, and that his English Forces were under a general Dissatisfaction, as some being unwilling to engage in civil Bloodshed, and others ready to take the strongest Side: And about this time the Lord *Cornbury* had carried off a considerable Party of Horse, to join his Enemy as was supposed, besides several other Regiments of Foot had deserted his Service; and upon the Neck of this he was, to his Additional Sorrow, informed that the Lord *Delamere* having raised a considerable Force, in Conjunction with several Gentlemen in the Country of *Nottingham*, had declared for the Prince, and that out of *Buckinghamshire*, the Lord *Colchester* and Mr. *Wharton*, had with a strong Party arrived at his Highness's Camp; and much about the same time the Lord *Lovelace* being on his way to join the Prince with a Party of Horse, tho' he was surprized at his Inn at *Gloucester* by the Militia, yet most of his Men cut their way through, and got to the Prince's Camp; and soon after his Lordship was rescued out of *Gloucester* Prison, where he had been sent by a Gentleman of that Country, who had taken up Arms on the same Account. But while the Messengers were thus speaking (as it was in the case of *Job*) there came also others informing his Majesty (to the further Aggravation of his Sorrow) that his Kingly Authority in the *North* also was gone to Wreck, for the Earl of *Danby*, together with the Lord *Paoli*, and several other Persons of Quality, had seized upon the City of *Tork*, and had turned out the Lord Mayor and such others of the Magistrates that were any ways affected to his Majesty's Government. Soon after, an Account was sent to his Majesty of *Hull* being surprized by the Deputy-Governour, Colonel *Coppey*, which was as surprizing, as the Loss of the Place was of very ill Consequence, for the Strength of the Town

1688. was very considerable, having a plentiful Magazine in the Citadel, both of Powder and all sorts of Provision, together with a Train of Artillery, ready fixed to be drawn out into the Field. *Plymouth* also was seized by the Earl of *Bath*, for the Prince, and at the same time all the Sea-Port Towns in *Cornwall* had declared for him. Upon these unfortunate Relations, and upon the false Alarm that Count *Scombergh* was advanced within 30 or 20 Miles of him, with the Van-guard of the Prince's Army, he quickly left *Salisbury*, drawing off those Forces he had there, and remanding the Train of Artillery, returned to *White-Hall*, where he arrived on the 26th of *November*, in the Evening, and appointed Colonel *Beville Skelton*, in the room of Sir *Edward Hales*, to be Lieutenant of the *Tower*; and according to what had been desired by the Lords Spiritual and Temporal, in their Petition, ordered the Chancellor to issue out Writs for the Summoning of a Parliament to sit the 15th of *January* following, and at the same time a Proclamation was published to give timely notice to those who were Electors, or would stand for Candidates. Now it pleased his Majesty in further Compliance to the Bishop's Petition, to nominate the Bishop of *Exeter* to be Archbishop of *York*, who the day after the Ceremonies of his Translation (which was perform'd at *Lambeth*, by his Grace the Lord Archbishop of *Canterbury*, assisted by the Bishops of *St. Asaph*, *Ely*, *Rocheſter*, and *Peterborough*) did his Homage to the King.

King returns to  
London.

But before his Majesty left *Salisbury*, he found his Court no less out of Order than his Camp, as we gave you a short Relation of it, for before his return to *London*, the Duke of *Grafton*, the Lord *Churchill*, and many more of the Nobility had deserted, and were gone to the Prince, as did also the day before his leaving the Town Prince *George of Denmark*, the Duke of *Ormond*, and Sir *George Hever*. The Prince of *Denmark*, and the Lord *Churchill*, left each of them a Letter behind them, directed for the King. The Prince in his, pleaded that he could no longer disguise his just Concern for the Religion, in which he had so happily been Educated, and which his Judgment, thoroughly convinced him to be the best; for the Support of which he was so highly interested in his Native Country, which *England* was now become by the most endearing Tie; to which his Highness added, That while the restless Spirits of the

Enemies

Enemies of the Reformed Religion, backed by the cruel Zeal and prevailing Power of *France*, justly alarmed and united the Protestant Princes of Christendom, and engaged them in the Support of it: He could not Act so ungenerous and mean a Part, as to deny his Concurrence for such worthy Endeavours, for the disabusing of his Majesty by the Re-inforcement of those Laws, and the Re-establishment of that Government, on which alone depended the well being of his Majesty, and the Protestant Religion in *Europe*, which was the only irresistible Cause that would come in Competition with his Duty, and Obligations to his Majesty. The Lord *Churchill* excused himself also to the same effect, protesting his Desertion from his Majesty proceeded from no other Cause than the inviolable Dictates of Conscience, and a high and necessary Concern for his Religion, with which, he was instructed, that nothing could come in Competition. And to add bad to worse, his Majesty found that the Princess *Ann* of *Denmark*, his second Daughter, had privately withdrawn her self the Night before his Arrival into Town: The Princess left a Letter behind her, directed to the Queen, wherein her Royal Highness begged her Majesty's Pardon for being so deeply affected at the surprizing News of her Husband's being gone, as not to be able to see her, but to signify to her by a Letter, that she was not able to bear the King's Displeasure, either against the Prince her Husband, or herself; and therein her Highness deplored her unhappy Condition, of being so divided between Duty and Affection to a Father and a Husband; and what was most expedient under such unfortunate Circumstances to be done in her Opinion was, *To follow the One to preserve the Other.*

Notwithstanding all these fatal Desertions, the unfortunate King advises with some of his Adherents (which were but very few now, besides those of his own Persuasion) what Measures to take under such imminent Danger, the Result of their Consultations was, to send to the Prince, by that time advanced as far as *Hungerford*, certain Proposals of Accommodation; and to make a Tender of those Proposals, the Marquess of *Hallifax*, the Earl of *Nottingham*, and the Lord *Godolphin*, were appointed by the King to be his Commissioners; who according to their Instructions attended the Prince at the foresaid Place, and delivered him the following Proposals.



1688.

King's  
Proposals  
to the  
Prince.

**SIR,** **T**HE King commanded us to acquaint you, that he ob-  
serveth all the Differences and Causes of Complaint, al-  
leged by your Highness, seem to be referred to a Free Par-  
liament.

His Majesty, as he hath already declared, was resolved  
before this to call one, but thought that in the present State  
of Affairs, it was advisable to defer it till Things were more  
composed; yet seeing that his People still continue to desire  
it, he hath put forth his Proclamation in order to it, and  
hath issued his Writs for the Calling of it.

And to prevent any Cause of Interruption in it, he will  
consent to every thing that can be reasonably required for the  
Security of all those that come to it.

His Majesty hath therefore sent us to attend your High-  
ness, for the adjusting of all Matters that shall be agreed to  
be necessary to the Freedom of Elections, and the Security of  
Sitting; and is ready to enter immediately into a Treaty in  
order to it.

His Majesty proposeth, that in the mean time the respec-  
tive Armies may be returned within such Limits, and at  
such distance from London, as may prevent the Apprehen-  
sions that the Parliament may be in any kind disturbed; be-  
ing desirous that meeting may be no longer delayed, than it  
must be by the usual and necessary Forms.

Hungerford,  
Decemb. 8.  
1688.

Hallifax.  
Nottingham  
Godolphin.

Prince's  
Answer.

**WE**, with the Advice of the Lords and Gentle-  
men assembled with Us, have in Answer  
made the following Proposals.

I. "That all Papists, and such Persons as are not  
qualified by Law, be Disarmed, Disbanded, and re-  
moved from all Employments, Civil and Military.

II. "That all Proclamations that reflect on us, or  
any that have come to us, be re-called: And that  
any Persons, for having assisted us, have been Com-  
mitted, that they be forthwith set at Liberty.

III. "That for the Security and Safety of the City  
of London, the Custody and Government of the Tower,  
be immediately put into the Hands of the said City.

IV. "THAT

1688.

IV. " That if his Majesty should think fit to be in  
 " *London*, during the sitting of the Parliament, that we  
 " may be there also, with an equal Number of our  
 " Guards: And if his Majesty shall be pleased to be in  
 " any place from *London*, whatever distance he thinks  
 " fit, that we may be at the same distance; and that  
 " the respective Armies be from *London* forty Miles,  
 " and that no further Force be brought into the King-  
 " dom.

V. " And that, for the Security of the City of *Lon-*  
 " *don*, and their Trade, *Tilbury-Fort* be put into the  
 " Hands of the City.

VI. " That a sufficient part of the Publick Revenue  
 " be assign'd us, for the Support and Maintenance of our  
 " Troops, until the sitting of a *Free Parliament*.

VII. " That, to prevent the Landing of the *French*,  
 " or other Foreign Troops, *Portsmouth* may be put in-  
 " to such Hands as by his Majesty and Us shall be a-  
 " greed on.

The King upon Consideration of these Proposals, thought them altogether unreasonable, and a thing inconsistent with the Honour of a Crown'd Head, to comply so low; therefore he began to think of taking other Measures, and in the first place he ordered the Queen and her Infant, that she had fetch'd the day before, on the 10th of *December*, to set out for *France*, which she did about Seven in the Morning, having taken her solemn Leave of his Majesty before, and crossing the *Thames*, she got into her Coach that waited for her on that side of the Water; and so with the Child and a slender Attendance, made for *Dover*, and there took Shipping for *France*, where she soon after Landed, and had a place of Residence appointed her from the *French* King. On the same Evening his Majesty, in pursuance to the Resolution he had taken to follow the Queen, calls an extraordinary Council, and sent for the Lord Mayor of the City and the Sheriffs, who waiting upon him, his Majesty was pleased to charge them to take particular care of the City, and omit nothing that lay in their Power for the Preservation of the Peace and Tranquility of the same. Then the Council was ordered to meet the next Morning, for to give their further Advice upon the Exigency of his Affairs, but contrary to most with Peoples Expectation, his Majesty took Barge about three a Clock

Queen  
goes for  
*France*.

King

1688. Clock at Night, at the Privy-Stairs, and passing down the River, betook himself, accompanied only by two or three Persons in a small Vessel, to Sea; but being forced by foul Weather upon the Coast of *Kent* near *Peversham*, as soon as he arrived at that Town, his Royal Person was seized upon by a Parcel of rough Fellows (who, upon Report that several Persons endeavouring to make their Escapes out of the Kingdom, made it their business to examine Strangers.) The King, after he was rifled of his Gold and Jewels, with other rough Usage, highly unbecoming the Grandeur of his Quality, at last was known; then the rude Rabble began to relent, and in a most submissive manner repenting of what Insolences they had committed, made a Tender to restore again what they had rudely taken from him, but his Majesty out of his Kingly Generosity, forgave them not only the Crime of their Ignorance, but also, receiving only his Jewels back, left the rest of his Gold to them that had taken it from him.

London  
Mob up.

In the mean while the Mob of the City of *London*, upon the News of the King's Departure, began (as 'tis frequent in such Revolutions) to assemble themselves, and fell in a furious Rage upon all the new erected Mass-Houses about the Town, pulling down, burning and destroying all before them. At the same time several Fellons and common Thieves mixing with the harmless Boys, committed several Depredations and Robberies; especially Roman Catholicks Houses, and some Ambassadors Houses did not escape their thieving Hands, but several of the Lords Spiritual and Temporal then in Town, soon caused this Insolency to be quelled, committing the chief Authors thereof to *Newgate*.

Lords  
Declaration at  
Guild-Hall to  
the  
Prince.

Upon Notice of the King's being withdrawn, the Lords repaired to *Guild-Hall*, and having sent for Colonel *Skelton*, who was made Lieutenant of the *Tower* by the King (as aforesaid) they demanded the Keys of him, and committed the Charge of that important Place to the Custody of the Lord *Lucas*, the late Lieutenant. Then the Lords considering the dangerous Conjunction of the Time, in regard of his Majesty's withdrawing himself, they drew up a Declaration to the Prince, and appointed the Earl of *Pembroke*, the Lord Viscount *Weymouth*, the Lord Bishop of *Ely*, and the Lord *Colepepper*, to carry the same; which in Substance was, "That they did reasonably hope, that the King having illu-

" do



1688.

“ ed out his Proclamation and Writs for Calling of a  
 “ Free Parliament, they might have rested securely under the Expectation of that Meeting; but in regard  
 “ his Majesty had withdrawn himself, and as they apprehended, in order to depart out of the Kingdom,  
 “ They therefore unanimously resolved to apply themselves to the Prince of *Orange*: And that they would  
 “ with their utmost Endeavours assist his Highness, in the speedy obtaining such a Parliament wherein their  
 “ Lives, Liberties, and Properties might be secured, and the Protestant Religion and Interest over the whole  
 “ World, might be supported and encouraged. Sign'd, &c.

The forementioned Lords having Adjourn'd from the City to *Whitehall*, and receiving Information of the Kings being at *Feverham*, they thought it convenient to send certain Persons there to attend him, and signify their earnest Desires, that he should be pleased to return to his Royal Palace at *London*. The King receiving the Message, shewed some Reluctancy and Unwillingness at first to return, but at last did, upon *Sunday* the 26th of *December* in the Evening, arrived at *Whitehall*, attended by several of the Nobility, and a great Guard of Horse, and from hence he dispatched away the Earl of *Feverham* with a Letter to the Prince, who had on the 14th arrived at *Windsor*, and had taken up his Lodgings in the Apartment of the Prince of *Denmark*: The Contents of his Majesty's Letter was, that the Prince (if he thought advisable) might come and take up his Residence at *St. James's*, and bring as many Troops as he thought convenient or necessary with him. Upon communication of this Letter to the Peers about the Prince, it was resolved that his Highness should with all convenient Speed advance towards *London*, but for several weighty Reasons, it was deemed proper that the King might be desired to remove within some reasonable distance from the City, and in order thereto, the Lord Marquess of *Hallifax*, the Earl of *Shrewsbury*, and the Lord *Delamere*, were dispatched to the King with a Paper signed by his Highness, signifying, That it was very convenient, both for the quiet of the City, and the safety of his Person, that he should remove to *Ham*, where he should be attended by his Guards, who would be ready to pre-serve him from any Disturbance. It was also ordered, for the prevention of any Disturbances that might happen, that the Prince's Guards, commanded by Count

King  
returns  
from *Feverham* to  
*London*.

King is  
required  
to with-  
draw  
from  
*Whitehall*.

*Salms*, should be possess'd of all the Posts about *Whitehall*, before the delivering of the Paper; which was accordingly performed, tho' the Guards could not reach *London* before 10 a Clock at Night.

Their Lordships, after the Settlement of the Guards, sent an Account to Secretary *Middleton*, that they had a Message to the King from the Prince, and desired admittance to his Majesty, which being notified to the King, now abed, and it being Twelve of the Clock, he ordered that they should be admitted. The Lords, after a short Apology made for their so unseasonably coming to him, delivered the Paper; and after the reading of it, his Majesty return'd for Answer, *That he should readily comply with it*; but upon second Thoughts, when they had taken their leave of him, he sent for them again, and signified, that he had more desire to return to *Rocheſter* than any other place. The Prince indeed had sent Monsieur *Zuleſtein* to meet him in his return from *Feversham* before, to desire him to return to *Rocheſter*, but the Messenger had miſſed him by taking another Road. The Lords, according to his Majesty's desire, sent to the Prince for his Compliance to the King's Request, which was granted; for a Letter was sent the next Morning from *M. Benink*, by the Prince's Order, ſignifying, that his Majesty might return to *Rocheſter*. Accordingly Guards and Barges being got ready to attend him, he reached *Graveſend* that Evening, and from thence in his Royal Coach went for *Rocheſter*, and took up his Residence at Sir *Richard Head*'s Houſe, and in the Afternoon of the ſame day the King had left *Whitehall*, the Prince arrived at St. *James*'s, attended with *M. Schomberg*, and a great Train of Nobility and Gentry.

The  
whole  
Kingdom  
allarm'd.

But here we are not to paſs by one no leſs remarkable than obſcure Paſſage, that happen'd between the King's firſt withdrawing himſelf, and his return. On *Thursday* the 13th of *December* there was, about two or three in the Morning, a general Alarm given, not only at *London*, but alſo in the moſt conſiderable Cities and Towns in *England*, and over all the Kingdom, that the *Iriſh* in a deſperate Rage, were killing, burning, and deſtroying all before them; which appeared to be carried on induſtriouſly by Perſons ſet on purpoſe to ſpread that falſe Alarm. What the Deſign was, is ſtill in obſcurity; but through the goodneſs of God, the Effect was nothing, but that moſt People were upon their Guard, and in  
some

some Consternation all the day appeared: and about the same time the Lord Chancellor Jeffreys was discovered and apprehended in a Seaman's House in Wapping, garbed Seaman like, in order to make his Escape, and was committed to the Tower, where he died before he came to any Trial.

But to return to the King, he after several days continuance at Rochester, withdrew himself totally out of the Kingdom; for on the 22d of December, he, accompanied only with Mr. Ra. Sheldon, and Mr. Delabady, took a back way, with a great deal of Secrecy and Caution, to the Sea-side, and having arrived at Dover, there he embarked, and soon after safely arrived in France, where he was kindly received by the French King.

His Majesty at his first withdrawing, sent this Letter to the Earl of Faversham.

My Lord,

Things being come to that Extremity, that I have been forced to send away the Queen, and my Son the Prince of Wales, that they might not fall into the Enemies Hands, which they must have done if they had staid. I am obliged to do the same thing, in hopes it will please God, out of his infinite Mercy unto this unhappy Nation, to touch their Hearts again with true Loyalty and Honour. If I could have relied on all my Troops, I might not have been put to the Extremity I now am in; and would at least have had one blow for it. But tho' I know there are many valiant and brave Men among you, both Officers and Soldiers, yet you know, that both you, and several of the General Officers and Soldiers, and Men of the Army, told me, it was no ways advisable for me to venture my self at their Head, or to think to fight the Prince of Orange with them.

And now there remains only for me to thank you, and all those both Officers and Soldiers, who have stuck to me and been truly Loyal. I hope you still retain the same Fidelity to me; and tho' I do not expect you shall expose your selves, by resisting a Foreign Army, and a poisoned Nation, yet I hope your former Principles are so inrooted in you, that you will keep your selves free from Associations, and such pernicious Things. Time presseth, so that I can add no more.

JAMES Rex.



1688.

In compliance to his Majesty's Letter, the Earl Disbanded 4000 Men, and transmitted an account thereof to the Prince; and the King at his last withdrawing left his Reasons behind him, which in my Opinion, cannot be read without some natural Passion, and Instances the volubility of Sublunary Things: They were Writ with his own Hand, and ordered by him to be published.

King's  
Reasons  
for with-  
drawing  
into France

**T**HE World cannot wonder at my withdrawing my self now this second time. I might have expected somewhat better usage, after what I writ to the Prince of Orange by my Lord Feversham, and the Instructions I gave him. But instead of an Answer, such as I might have hoped for, what was I to expect; after the Usage I received, by the making the said Earl a Prisoner, against the Practice and Law of Nations; the sending his own Guards at 11 at Night, to take Possession of the Posts at Whitehall, without advertising me in the least manner of it; the sending to me at one of the Clock at Midnight, when I was in Bed, a kind of Order, by three Lords, to be gone out of my Palace, before twelve the same Morning. After all this, how could I hope to be safe, so long as I was in the Power of one who had not only done this to me, and Invaded my Kingdoms, without any just Occasion given him for it; but that did, by his own Declaration, lay the greatest Aspersions on me that Malice could invent, in the Clause of it which concerns my Son? I appeal to all that know me; nay, even to himself, that on their Consciences neither he, nor they, can believe me in the least capable of so unnatural a Villany, nor of so little common Sense, to be imposed on in a thing of such a Nature as that. What had I then to expect from one, who by all Arts hath taken such Pains to make me appear as Black as Hell to my own People, as well as to all the World besides? What effect that hath had at home, all Mankind hath seen, by so general a Defection in my Army, as well as in the Nation, amongst all sorts of People.

I was born free, and desire to continue so: And tho' I have ventured my Life very Frankly on several Occasions, for the Good and Honour of my Country, and am as free to do it again, (and, which I hope I shall yet do, as old as I am, to redeem it from the Slavery it is like to fall under;) yet I think it not convenient to expose my self to be so secured, as not to be at Liberty to effect it; and for that reason to withdraw, but so as to be within call, whensoever the Nation's Eyes shall be opened, so as to see how they have been imposed upon

by

by the specious Pretences of Liberty and Property. I hope it will please God to touch their Hearts, out of his infinite Mercy, and to make them sensible of the Condition they are in, and bring them to such a Temper, that a legal Parliament may be called, and that, amongst other things which may be necessary to be done, they will agree to Liberty of Conscience for all Protestant Dissenters, and that those of my own Perswasion may be so far considered, and have such a share of it, as they may live peaceably and quietly, as Englishmen and Christians ought to do, and not be obliged to transplant themselves; which would be very grievous, especially to such who love their Country. And I appeal to all Men, who are considering Men, and have had Experience, whether any thing can make this Nation so great and flourishing as Liberty of Conscience. Some of our Neighbours dread it.

I could add much more to confirm what I have said, but now is not the proper time.

Rochester, Dec. 22. 1688.

After the King's departure, viz. on the 25th, several of the Lords Spiritual and Temporal assembling themselves at the House of Lords at *Westminster*, humbly proposed and desired his Highness the then Prince of *Orange*, to take upon him the Administration of Publick Affairs, &c. The next day divers Members of the Commons in the Reign of *K. Charles II.* together with the Aldermen and the Common-Council of the City of *London*, pursuant to his Highness's Desire, met at *St. James*, to whom the Prince made a Speech, importing, that their Advice was desired how to pursue the Ends of his Declaration, in calling of a Free Parliament, for the Preservation of the Protestant Religion, and the Restoration of the Rights and Privileges of the Kingdom, &c. His Highness desired the same of the Aldermen and the Common-Council of the City of *London*; and in regard their Number were like to be great, he desired them to chuse a convenient place for their Consultations; hereupon it was agreed to go to the House of Commons at *Westminster*, where being set, they chose *Henry Popel* Esquire their Chairman, and having entred into a Debate, the result of it was to send an Address to his Highness, wherein they thanked him for the Care he had taken of the Religion, Laws, and Liberties of the Kingdom, and desired

P. of O.  
desired to  
take the  
Admini-  
stration  
upon him.

1688.

red him to continue the Administration of the Government, and issue out his Circular Letters for the calling of a Convention to sit at *Westminster*, on the 22d of January then following: To this his Highness replied (That it being a matter of weight) he would consider of it and give his Answer the next day; which he did on the 28th to the Lords that attended him at *St. James*, acquainting them that he had considered of their Advice, and would concur with the same. King James now in *France*, having had notice of all these Proceedings, he thought it Prudence, before the Meeting of the mentioned Convention, to send the following Letter to the Lords and others of his late Privy-Council, which runs thus.

## JAMES R.

My Lords,

King's,  
Letter to  
the Privy  
Council,  
&c.

WHEN we saw that it was no longer safe for us to remain within our Kingdom of *England*, and that thereupon we had taken our Resolutions to withdraw for some time; we left to be communicated to you, and to all our Subjects the Reasons of our withdrawing, and were likewise resolved at the same time to leave such Orders behind us to you of our Privy-Council, as might best suit with the present State of Affairs: but that being altogether unsafe for us at this time, We now think fit to let you know, that tho' it has been our constant Care since our first Accession to the Crown, to govern our People with that Justice and Moderation, as to give if possible, no occasion of Complaint; yet more particularly upon the late Invasion, seeing how the Design was laid, and fearing that our People, who could not be destroyed but by themselves, might by little imaginary Grievances be cheated into a certain Ruin: To prevent so great Mischief, and to take away not only all just Causes, but even Pretences of Discontent, we freely and of our own Accord redressed all those things that were set forth as the Causes of that Invasion, and that we might be informed by the Counsel and Advice of our Subjects themselves, which way we might give them a further and full Satisfaction, we resolved to meet them in a Free Parliament; and in order to it, we first laid the Foundation of such a Free Parliament in restoring the City of *London*, and the rest of the Corporations to their ancient



ent Charters and Privileges, and afterwards actually appointed the Writs to be issued out for the Parliaments meeting on the 15th of *January*. But the Prince of *Orange* seeing all the ends of his Declaration answered, the People beginning to be undeceived, and returning apace to their ancient Duty and Allegiance, and well fore-seeing that if the Parliament should meet at the time appointed, such a Settlement in all probability would be made both in Church and State, as would totally defeat his ambitious and unjust Designs, resolved by all Means possible to prevent the Meeting of the Parliament; and to do this the most effectual way, he thought fit to lay a Restraint on Our Royal Person: For as it were absurd to call that a Free Parliament where there is any force on either of the Houses, so much less can that Parliament be said to act freely, where the Sovereign, by whose Authority they meet and sit, and from whose Royal Assent all their Acts receive their Life and Sanction, is under actual Confinement. The hurrying of us under a Guard from our City of *London*, whose returning Loyalty he could no longer trust, and the other Indignities we suffered in the Person of the Earl of *Feverham*, when sent to him by us, and in that barbarous Confinement of our own Person, we shall not here repeat, because they are, we doubt not, by this time very well known, and may, we hope, if enough considered and reflected upon, together with his other Violations and Breaches of the Laws and Liberties of *England*, which by this Invasion he pretended to restore, be sufficient to open the Eyes of all our Subjects, and let them plainly see what every one of them may expect, and what Treatment they shall find from him, if at any time it may serve his Purpose, from whose Hands a Sovereign Prince, an Uncle, and a Father could meet with no better Entertainment. However, the Sense of these Indignities and the just Apprehensions of further Attempts against our Person, by them who already endeavoured to murder our Reputation by infamous Calumnies (as if we had been capable of supposing a Prince of *Wales*) which was incomparably more injurious than the destroying of our Person it self, together with a serious reflecting on a Saying of our Royal Father of Blessed Memory, when he was in the like Circumstances, that *There is but a little Distance between the Prisons and the Graves of Princes,* (which

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(which afterwards proved too true in his Case) could  
 not but perswade us to make use of that Right which  
 the Law of Nature gives to the meanest of our Subjects,  
 of freeing our selves by all means possible from that un-  
 just Confinement and Restraint. And this we did not  
 more for the Security of our own Person, than that  
 thereby we might be in a better Capacity of Transact-  
 ing and Providing for every thing that may contribute  
 to the Peace and Settlement of our Kingdoms: For as  
 on the one hand no Change of Fortune shall ever make  
 us forget our selves so far as to condescend to any thing  
 unbecoming that High and Royal Station in which  
 God Almighty by Right of Succession has placed us, so  
 on the other hand, neither the Provocation or Ingrati-  
 tude of our own Subjects, nor any other Considerati-  
 on whatsoever shall ever prevail with us to make the  
 least step contrary to the true Interest of the *English*  
 Nation, which we ever did, and ever must look upon  
 as our own. Our Will and Pleasure is, That you of  
 our Privy-Council take the most effectual Care to make  
 these our gracious Intentions known to the Lords Spi-  
 ritual and Temporal in and about the Cities of *London*  
 and *Westminster*, to the Lord Mayor and Commons of  
 our City of *London*, and to all our Subjects in general,  
 and to assure them, that we desire nothing more than  
 to return and hold a Free Parliament, wherein we  
 may have the best Opportunity of undeceiving our  
 People, and shewing the Sincerity of those Protestati-  
 ons we have often made, of preserving the Liberties  
 and Properties of our Subjects and the Protestant Reli-  
 gion, more especially the Church of *England*, as by  
 Law established, with such Indulgence for those that  
 dissent from her, as we have always thought our selves  
 in Justice and Care of the general Welfare of our Peo-  
 ple bound to procure for them: And in the mean time,  
 you of our Privy-Council (who can judge better by  
 being upon the place) are to send us your Advice,  
 what is fit to be done by us towards our returning and  
 the accomplishing these good Ends. And we do require  
 you in our Name, and by our Authority to endeavour  
 so to suppress all Tumults and Disorders, that the Na-  
 tion in general, and every one of our Subjects in par-  
 ticular, may receive the least Prejudice from the pre-  
 sent Distractions that is possible. So not doubting of  
 your dutiful Obedience to these our Royal Commands,

we

we bid you heartily farewell. Given at St. Germains en 1688.  
 Laye  $\frac{4}{14}$  January 1688, and of our Reign the fourth  
 Year.

By His Majesty's Command,

Directed thus,

MELFORT,

To the Lords and Others of our  
 Privy-Council of our King-  
 dom of England.

Notwithstanding this Letter, the Convention meeting Conven-  
 at the day appointed the House of Commons soon agreed tion meet.  
 upon this Resolve, That King James the II. having  
 endeavoured to subvert the Constitution of the King-  
 dom, by breaking the Original Contract between King  
 and People, and by the Advice of Jesuits and other  
 wicked Persons, having violated the Fundamental Laws,  
 and withdrawn himself out of the Kingdom, hath abdi-  
 cated the Government, and that the Throne is thereby  
 vacant. This Resolve was carry'd up to the Lords for  
 their Concurrence, to which their Lordships were pleas-  
 ed to concur with these Amendments, that instead of  
 the word *Abdicated*, *Deserted* should be inserted, and  
 the last Paragraph, viz. and *That the Throne is thereby*  
*Vacant*, should be wholly left out. The House of Com-  
 mons would in no wise admit of these Amendments,  
 therefore they sent to the Lords to desire a Conference  
 upon the subject Matter of the said Amendments, which  
 being agreed to by the Lords, a Committee was appoint-  
 ed to manage the Conference with them, who commu-  
 nicated to their Lordships the Reasons of the Commons in  
 not concurring to their said Amendments: As to the first  
 the word *Deserted* did not fully express the Conclusion  
 necessarily inferred from the Premises which their Lord-  
 ships had agreed, for they had agreed, that King James  
 the II. had endeavoured to subvert the Constitutions of  
 the Kingdom, by breaking the Original Contract be-  
 tween King and People, and had violated the Funda-  
 mental Laws, and withdrawn himself out of the King-  
 dom. Now the word *Deserted* (as the Commons argued)  
 respected only the withdrawing, but the word *Abdi-*  
*cated* respected the whole, for which purpose the Com-  
 mons made choice of it.

And



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Conference between the Lords and Commons about the Abdication.

And for the *Commons* not agreeing to the second Amendment, to leave out the Words, *and that the Throne is thereby vacant*: The Committee, according to their Instructions, insisted upon the following Reasons. *First*, Because they conceived, that they might well infer from so much of their own Vote, as their Lordships had agreed unto, that King *James the II.* had Abdicated the Government, and that the Throne was thereby vacant, so that if they would admit their Lordships Amendment, that he hath only Deserted the Government; yet, even thence it would follow, that the Throne was vacant, as to King *James the II.* Deserting the Government, being in true Construction, Deserting the Throne. *Secondly*, The *Commons* conceived, that they needed not to prove unto their Lordships, as to any other Person the Throne was also vacant; their Lordships having (as they conceived) already admitted it, by their Addressing to the Prince of *Orange* the 25th of *December* past, to take upon him the Administration of Publick Affairs, both Civil and Military, and to take into his care the Kingdom of *Ireland*, till the meeting of this Convention. In pursuance of such Letters, and by their Lordships renewing the same Address to his Highness (as to Publick Affairs and the Kingdom of *Ireland*) since they met, and by appointing Days of Publick Thanksgivings to be observed through the whole Kingdom; all which the *Commons* conceived to imply, that it was their Lordships Opinion, that the Throne was vacant, and to signify so much to the People of this Kingdom. *Thirdly*, It is from those who are upon the Throne of *England* (when there are any such) from whom the People of *England* ought to receive Protection; and to whom, for that cause, they owe the Allegiance of Subjects; but there being none now from whom they expect Regal Protection, and to whom, for that cause, they owe the Allegiance of Subjects, the *Commons* conceived the Throne vacant.

On the other Hand the Earl of *Nottingham*, according to Mr. *Hamden's* Report, spoke to this effect.

E. of Nottingham's Speech.

" That the Lords had desired this Conference with the Commons, that they might be as happily United to the Commons in Opinion, as they are inseparable in their Interest; and that they are, at this time, uneasy that they cannot Concur with the Commons in every thing; because it is of so great a Concern

to the Nation, and from so great and wise a Body. That he then delivered what the Lords had done in Reference to the Subject Matter of the last Conference, and said, "That the Lords did insist upon the first Amendment of the Vote of the House of the 25th of January last, instead of the word *Abdicated*, to have the word *Deserted*.

First, "Because the Lords do not find, that the word *Abdicated* is a word known to the Common Law of England, and the Lords hope the Commons will agree to make use of such Words only, whereof the Meaning may be understood according to Law, and not of such as will be liable to doubtful Interpretations.

Secondly, "Because in the most common Acceptation of the Civil Law, *Abdication* is a Voluntary Express Act of *Renuntiation*, which is not in this Case, and and doth not follow from the Premises, That King James the Second, by having With-drawn himself, after having endeavoured to Subvert the Constitution of the Government, by Breaking the Original Contract between King and People, and having Violated the Fundamental Laws, may be more properly said to have *Abdicated*, than *Deserted*.

He said the Lords did insist on the second Amendment, to leave out the words, *And the Throne is Vacant*, for this Reason.

"For that although the Lords have agreed, that the King has *Deserted* the Government, and therefore have made Application to the Prince of Orange, To take upon him the Administration of the Government, and thereby to Provide for the Peace and Safety of the Kingdom, yet there can be no other Inference drawn from thence, but only that the Exercise of the Government, by King James the Second is ceased; so as the Lords were, and are willing, to secure the Nation against the Return of the said King into this Kingdom; but not that there was either such an *Abdication* by him, or such a *Vacancy in the Throne*, as that the Crown was thereby become *Elective*, which they cannot agree.

I. "Because, by the Constitution of the Government, the Monarchy is *Hereditary*, and not *Elective*.

II. "Because no Act of the King alone can Barr, or Destroy the Right of his Heirs to the Crown: and therefore in

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“ Answer to the third Reason alledg’d by the House of Commons, If the Throne be Vacant of King James the Second,  
 “ Allegiance is due to such Person as the Right of Succession  
 “ doth belong to.

The Question being put that the House do agree with the Lords in the first Amendment.

It passed in the Negative.

The Question being put that the House do agree with the Lords in the said second Amendment.

The House divided. The Yea’s go forth. The Tellers for the Yea’s, Sir Joseph Tredenham, and Mr. Gwyn, 151. The Tellers for the No’s, Mr. Colt, and Mr. Herbert. 282. And so it was Resolved in the Negative.

Resolved,

That a free Conference be desired with the Lords upon the Subject Matter of the last Conference.

Ordered,

That it be Referred unto,

Sir Robert Howard.

Mr. Polcxfen.

Mr. Paul Foley.

Mr. Serj. Maynard.

Mr. Serjeant Holt.

Lord Falkland.

Sir George Treby.

Mr. Sommers.

Mr. Garraway.

Mr. Buscoven.

Sir Tho. Littleton.

Mr. Palmer.

Mr. Hamden.

Sir Henry Capel.

Sir Thomas Lee.

Mr. Secheveril.

Major Wildham.

Colonel Birch.

Mr. Ayres.

Sir Richard Temple.

Sir Henry Goodrick.

Mr. Waller.

Sir John Guyes.

To manage the Conference.

Ordered,

That Mr. Dolbin do go up to the Lords, and desire a Free Conference with the Lords upon the Subject Matter of the last Conference.

Mr. Dolbin Reported, That he having (according to the Order of this House) attended the Lords to desire a Free Conference with their Lordships, upon the Subject Matter of the last Conference, they had agreed to a Free Conference presently in the Painted Chamber. And the Managers went to a Free Conference, at the Free Conference in the Painted Chamber.



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MY Lords, the Commons have desired this Free Conference from your Lordships upon the Subject Matter of the last Conference, that they may make appear unto your Lordships that it is not without sufficient Reason, that they are Induced to Maintain their own Vote, to which your Lordships have made some Amendments; and that they cannot agree to those Amendments made by your Lordships for the same Reasons.

Mr. Hamden's  
Speech.

My Lords, the Commons do very readily agree with your Lordships, That it is a Matter of the greatest Concernment to the Kingdom in general, its future Peace, and happy Government, and the *Protestant* Interest, both at Home and Abroad, that there be a good Issue and Determination of the Business now in Debate between both Houses, and a speedy one as can consist with the Doing of it in the best manner. This way of Intercourse between both Houses by Free Conferences, where there is full Liberty of Objecting, Answering, and Replying, the Commons think the best Means to attain this End, and to Maintain a good Correspondence between both Houses, which is so necessary at all times, but more especially in the present Conjunction; this, my Lords, will bring Honour and Strength to the Foundation that shall be laid after our late Convulsions, and discourage our Enemies from Attempting to Undermine it.

It is true, my Lords, the present Difference between your Lordships and the Commons is only about a few Words; but the Commons think their Words so Significant to the Purpose for which they are used, and so Proper to the Case unto which they are applied, that in so weighty a Matter as that now in Debate, they are by no means to be parted with.

The word *Abdicated*, the Commons conceive is of larger Signification than the word your Lordships are pleased to use *Desert*; but not too large to be applied to all the Recitals in the beginning of the Commons Vote, to which they meant it should be applied. Nor thought it to be Restrained to a Voluntary Express Resignation, only in Word or Writing, Overt-Acts there are that will be significant enough to amount to it.

My Lords, that the Common Law of *England* is not acquainted with the Word, it is from the Modesty of our Law, that it is not willing to suppose there should be any unfortunate Occasion of making use of it: And

1689. we would have been willing that we should never have had such an Occasion as we have to have Recourse to it. Your Lordships next Amendment is, that your Lordships have left out the last Words in the Commons Vote, *And that the Throne is thereby Vacant.*

My Lords, the Commons conceive it is a true Proposition, and *That the Throne is Vacant*; and, they think, they make it appear, that this is no new Phrase; neither is it a Phrase that perhaps some of the old Records may be Strangers to; or not well acquainted with: But they think it not chargeable with the Consequence that your Lordships have been pleased to draw from it, *That it will make the Crown of England become Elective.* If the Throne had been full, we know your Lordships would have assign'd that, as a Reason of your Disagreement, by telling us who filled it; and it would be known by some Publick Royal Act, which might notify to the People in whom the Kingly Government resided; neither of which has been done; and yet your Lordships will not allow the *Throne to be Vacant.*

My Lords, I am unwilling to detain your Lordships longer, from what may be better said for your Lordships Satisfaction in these Matters, by those whose Province it is: I am to acquaint your Lordships, that the Commons do agree, it is an Affair of very great Importance. Here are other Gentlemen that are appointed to manage this Conference, and will give their Assistance to bring it, we hope, to a happy Conclusion, in the Agreement of both Houses, in this so very a considerable Point.

Mr. Somers.

My Lords, what is appointed me to speak to, is your Lordships first Amendment, by which the word *Abdicated*, in the Commons Vote, is changed into the word *Deserted*; and I am to acquaint your Lordships what some of the Grounds are, that induced the Commons to insist upon the word *Abdicated*, and not agree to your Lordships Amendment. First, The first Reason your Lordships are pleased to deliver, for your changing the words is, *That the word Abdicated your Lordships do not find, is a word known to the Common Law of England; and therefore ought not to be Used:* And the next is, *That the common Application of the Word amounts to a Voluntary Express Act of Renunciation which (your Lordships say) is not in this Case, nor what will follow from the Premises.*

My Lords, as to the first of these Reasons, if it be an Objection, that the word *Abdicated* hath not a known Sence in the Common Law of *England*, there is the same Objection against the word *Deserted*; for there can be no Authority, or Book of Law produced, wherein any determined Sence is given to the word *Deserted*: So that your Lordships first Reason hath the same Force against your own Amendment, as it hath against the Term used by the Commons. The Words are both *Latin Words*, and used in the best Authors, and both of a known Signification; their Meaning is very well understood; though it be true, their Meaning be not the same: The word *Abdicate* doth naturally and properly signify Entirely to Renounce, Throw off, Disown, Relinquish any Thing or Person, so as to have no further to do with it; and that whether it be done by Express Words, or in Writing, (which is the Sence your Lordships put upon it, and which is properly call'd *Resignation* or *Ceasion*) or, by doing such Acts as are Inconsistent with the Holding, or Retaining of the Thing; which the Commons take to be the present Case, and therefore made choice of the word *Abdicate*, as that which they thought did, above all others, most properly express that meaning: And in this latter Sence it is taken by Others, and that it is the true Signification of the Word, I shall shew your Lordships out of the best Authors: The first I shall mention is *Grotius de Jure Belli & Pacis*, L. 2. C. 4. S. 4. *Venit enim hoc non ex jure civili, ex jure naturali, quo quisq; suum potest abdicare, & ex naturali Presumptione qua voluisse, quis creditur, quod sufficienter significavit.* And then he goes on, *Recusari Hereditas non tantum verbis, sed etiam re potest, & quovis indicio voluntatis.* Another Instance, which I shall mention, to shew that for the *Abdicating* a Thing, it is sufficient to do an Act which is Inconsistent with the Retaining it, though there be nothing of an Express Renunciation, is out of *Calvin's Lexicon Juridicum*, where he says, (*Generum abdicat, qui sponsam repudiat:*) He that Divorceth his Wife, Abdicates his Son-in-Law. Here is an *Abdication* without Express Words; but is by doing such an Act as doth sufficiently signify his Purpose. The next Author, that I shall Quote, is *Brissonius, de Verborum significatione*, who hath this Passage, *Homo liber qui seipsum vendit, abdicat se statu suo*; that is, He who sells himself, hath thereby done such an Act as cannot consist with his former Estate of Freedom; and is therefore properly

said,



1689. said, *se abdicasse statim suo*. Budæus, in his Commentaries, *ad Legem secundam, de Origine Juris*, Expounds the Words in the same Sence, *Abdicare se Magistratu est idem quod abire penitus Magistratu*: He that goes out of his Office of Magistracy, let it be in what manner he will, has Abdicated the Magistracy. And Grotius, in his Book *de Jure Belli & Pacis*, L. 1. C. 4. S. 9. seems to expound the word *Abdicare*, by *manifeste habere pro derelicto*: That is, *That he who hath Abdicated any thing, hath so far Relinquished it, that he hath no Right of Return to it*. And that is the Sence the Commons put upon the Word: It is an Entire Alienation of the Thing; and so stands in Opposition to *Dicate*: *Dicat qui propriam aliquod facit*; *abdicat qui alienat*, so says Prælejus in his *Lexicon Juris*. It is therefore insisted upon as the Proper Word by the Commons.

But the Word *Deserted* (which is the Word used in the Amendment made by your Lordships) hath not only a very doubtful Signification; but in the common Acceptance both of the Civil and Cannon Law, doth signify only a *Bare With-drawing*, a *Temporary Quitting of a Thing*, and Neglect only, which leaveth the Party at Liberty of Returning to it again. *Desertum pro Neglecto*, says Spigelius in his *Lexicon*: But the Difference between *Disserere* and *Derelinquire*, is expressly laid down by Bartolus, upon the 8th Law of 58th Title of the 11th Book of the Code, and his Words are these, *Nota Diligenter ex hac Lege quod aliud est Agrum disserere, aliud derelinquire; qui enim derelinquit; ipsum ex penitentia non revocat: sed qui deseret, intra biennium potest*. Whereby it appears, my Lords, that, that is called *Desertion*, which is *Temporary and Relievable*: That is called *Dereliction*, where there is no power of Right to return.

So in the best Latin Authors, and in the Civil Law, *Deserere Exercitum* is used to signify, *Soldiers leaving their Colours*, Cod. Lib. 12. S. 1. And in the Canon Law, to *Desert a Benefice*, signifies no more than to be *Non-Resident*; so is Calvin's *Lexicon, Verb. Desert. secund. Canones*.

In both Cases, the Party hath not only a Right of Returning; but is Bound to return again: Which, my Lords, as the Commons do not take to be the present Case, so they cannot think that your Lordships do; because it is expressly said, in One of your Reasons given in Defence of the last Amendment, *That your Lordships have been, and are willing, to secure the Nation against the Return of*  
King

*King James*; which your Lordships would not, in Justice, do, if you did look upon it no more than a *Negligent With-drawing*, which leaveth a *Liberty to the Party to Return*,

For which Reasons, my Lords the Commons cannot agree to the First Amendment, to insert the Word *Deserted* instead of *Abdicated*; because it doth not, in any sort, come up to their Sense of the thing: So, they do apprehend, it doth not reach your Lordships Meaning, as it is expressed in your Reasons; whereas they look upon the Word *Abdicated* to express properly what is to be inferred from that Part of the Vote to which your Lordships have agreed, *That King James the Second by going about to Subvert the Constitution, and by Breaking the Original Contract between King and People and by Violating the Fundamental Laws, and Withdrawing himself out of the Kingdom, hath thereby Renounced to be a King according to the Constitution, by avowing to Govern by a Despotick Power, unknown to the Constitution, and Inconsistent with it; he hath renounced to be a King according to the Law, such a King as he swore to be at the Coronation, such a King to whom the Allegiance of an English Subject is due; and hath set up another kind of Dominion, which is to all Intents an Abdication or Abandoning of the Legal Title, as fully as if it had been done by express Words.*

And, my Lords, for these Reasons the Commons do insist upon the Word *Abdicated*, and cannot agree to the Word *Deserted*.

My Lords, I am commanded, by the Commons, to assist in the Management of this Conference, and am to speak to the same Point that the Gentleman did, who spoke last to your Lordships First Amendment. As to the first of your Lordships Reasons, for that Amendment, (with Submission to your Lordships) I do conceive it not sufficient to alter the Minds of the Commons; or to induce them to change the Word *Abdicated* for your Lordship's Word *Deserted*.

Your Lordships Reason is, *That it is not a Word that is known to the Common Law of England.* But, my Lords, the Question is not so much, Whether it be a Word as Antient as the *Common Law*, (though it may be too) for that will be no Objection against the Using it, if it be a Word of a known and certain Signification; because that we think, will justify the Commons-making use of

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it, according to your Lordships own Expression. That it is an Antient Word appears by the Authors that have been Quoted, and its frequently met with in the best of Roman Writers, as *Cicero*, &c. And by the Derivation from *Dico*, an Antient Latin Word. That now it is a known English Word, and of a known and certain Signification with us, I will Quote to your Lordships an English Authority, and that is the Dictionary set forth by our Countryman *Minshaw*, who hath the Word *Abdicate* as an English Word, and says that it signifies to *Renounce*, which is the Signification the Commons would have of it: So that I hope your Lordships will not find Fault with their using a Word that is so Antient in itself, and that hath such certain Signification in our own Language. Then, my Lords, for that part of your Lordships Objection, *That it is not a Word known to the Common Law of England*, that cannot prevail; for, your Lordships very well known, we have very few Words in our Tongue that are of equal Antiquity with the Common Law; your Lordships know the Language of *England* is altered greatly in the several Successions of Time, and the Intermixture of other Nations; and if we should be Obligated to make use only of Words then known and in use, what we should deliver in such a Dialect would be very Difficult to be Understood.

Your Lordships Second Reason, for your First Amendment in changing the Word *Abdicated* for the Word *Dejected* is, *Because in the most common Acceptation of the Civil Law Abdication is a Voluntary Express Act of Renunciation*. That is the general Acceptation of the Word, and, I think, the Commons do so use the Word in this Case, because it hath that Signification: But I do not know, whether your Lordships mean a Voluntary express Act, or formal Deed of *Renunciation*: If you do so, I confess I know of none in this Case: But, my Lords, both in the *Common Law of England*, and the *Civil Law*, and in common Understanding, there are Express Acts of *Renunciation* that are not by Deed; for if your Lordships please to observe, the Government and Magistracy is under a Trust, and any Acting contrary to that Trust, is a *Renouncing* of the Trust, though it be not a *Renouncing* by formal Deed; For it is a plain Declaration, by Act and Deed, though not in Writing, that he, who hath the Trust, Acting contrary, is a Disclaimer of the Trust; especially my Lords, if the Actings be such



as are Inconsistent with, and Subversive of this Trust : 1689.

For, how can a Man in Reason, or Sense, express a greater *Renunciation* of a Trust, than by the Constant Declarations of his Actions to be quite contrary to that Trust? This, my Lords, is so plain, both in Understanding and Practice, that I need do no more but Repeat it again, and leave it with your Lordships, *That the doing an Act inconsistent with the Being and End of a Thing, or that shall not Answer the End of that Thing, but quite the contrary, that shall be Construed an Abdication and Formal Renunciation of that Thing.*

Gentlemen, you of the Committee of the Commons, E. of Nottingham and *Deserted*; but the main Reason of the Change of the Word and Difference, is upon the Account of the Consequence drawn in the Conclusion of your Vote, *That the Throne is thereby Vacant*: that is, What the Commons mean by that Expression, whether you mean it is so Vacant as to null the Succession in the Hereditary Line, and so all the *Heirs* to be cut off, which we say will make the Crown *Elective*? And it may be fit for us to settle the matter first, and when we know what the Consequence of *The Throne being Vacant* means in the Vote as you understand it, I believe we shall be much better able to settle the Difference about the Two Words.

My Lords, when there is a present Defect of One to Sergeant exercise the Administration of the Government, I conceive, the Declaring a Vacancy, and Provision of a Supply for it, can never make the Crown *Elective*. The Commons apprehend there is such a Defect now; and, by consequence a present Necessity for the Supply of the Government, and that will be next for your Lordships Consideration, and theirs afterwards. If the attempting the utter Destruction of the Subject, and Subversion of the Constitution, be not as much an *Abdication* as the attempting of a Father to Cut his Son's Throat, I know not what is. My Lords, the Constitution, notwithstanding the Vacancy, is the same; the Laws that are the Foundation and Rules of that Constitution are the same: But if there be in any particular Instance, a Breach of that Constitution, that will be an *Abdication*; and that *Abdication* will infer a *Vacancy*.

It is not that, the Commons do say, *the Crown of England is always and perpetually Elective*; but it is more necessary that there be a Supply when there is a Defect, and

1689. and the Doing of that will be no Alteration of the *Monarchy* from a *Successive One* to an *Elective*.

B. of Ely. Gentlemen, the Two Amendments made by the Lords, to the Vote of the Commons, are as to the Word *Abdicated*, and as to the *Vacancy of the Throne*: That *Abdicated* may be Tacitly by some *Overt-Acts*, that Gentleman, (I think I may Name him without Offence) Mr. *Sommers*, very truly did alledge out of *Grotius*: But, I desire to know, Whether *Grotius*, that great Author, in Treating on this Subject, doth not interpose this Caution, *If there be a Yielding to the Times: If there be a going away, with a Purpose of seeking to Recover what is, for the present, Left or Forsaken*: In plain English, *If there were any thing of Force or just Fear in the Case, that doth void the Notion of Abdication*: I speak not of *Mal-administration* now, of that hereafter.

Sergeant  
Maynard.

But, my Lords, that is not any Part of the Case declared by the Commons in this Vote, when the whole Kingdom, and the *Protestant Religion*, our Laws and Liberties, have been in Danger of being Subverted, an Enquiry must be made into the Authors and Instruments of this Attempt; and if he, who had the *Administration* intrusted to him, be found the Author and Actor in it, What can that be, but a *Renunciation* of his *Trust*, and consequently his Place thereby *Vacant*?

My Lords,

*Abdication* (under Favour) is an *English Word*; and, your Lordships have told us, the true Signification of it is a *Renunciation*. We have indeed, for your Lordships Satisfaction, shewn its Meaning in Foreign Authors; it is more than a *Deserting* the Government, or *Leaving* it with a Purpose of Returning. But we are not, I hope, to go to learn *English* from Foreign Authors, we can, without their Aid, tell the Meaning of our own Tongue. If Two of us make a mutual Agreement, to Help and Defend each other from any One that should Assault us in a Journey, and that he that is with me turns upon me and breaks my Head, he hath, undoubtedly, *Abdicated* my Assistance and Revoked.

B. of Ely. The Objection of the Lords against the Word *Abdicated*, is, *That it is of too large a Signification for the Case in Hand*. It seems to be acknowledged, that it reacheth a great Way, and therefore the Lords would have a Word made use of, which (by the Acknowledgment of that

Learned

Learned Gentleman) signifieth only, *The Ceasure of the Exercise of a Right*. If there be such a Defect as hath been Spoken of, it must be Supplied; there is no Question of that. And I think we have, by another Vote, declared, *That it is inconsistent with our Laws, Liberties, and Religion, to have a Papist to Rule over this Kingdom*. Which I take to be only as to the Actual Exercise and Administration of the Government.

It is *Grotius* his Distinction between a *Right*, and the *Exercise of that Right*; and, as there is a Natural Incapacity for the Exercise, as Sickness, Lunacy, Infancy, Doating Old Age, or an Incurable Disease, rendring the Party Unfit for Human Society, as *Leprosie*, or the like; so I take it, there is a Moral Incapacity; and, that, I conceive to be a full Irremoveable Perswasion in a false Religion, contrary to the Doctrine of *Christianity*. Then there must be a Provision, undoubtedly, made for Supplying this Defect in the Exercise, and an Intermediate Government taken Care for; because become necessary for the support of the Government, if he to whom the Right of Succession doth belong makes the Exercise of his Government Unpracticable, and our Obedience to him, Consistently with the Constitution of our Religion, Impossible; but that, I take it, doth not alter that Right, nor is an *Abdication* of the Right.

*Abdication*, no doubt, is by Adaption, an *English* Word; and well known to *English* Men conversant in Books: Nor is it Objected, that it is not a Word as Antient, and it may be more Antient than the Common Law of *England*; we find it in *Cicero*, and other old *Roman* Writers. But, as to *Cicero*, I would observe that there is a double Use of the Word; sometimes it is mentioned with a Preposition, and then it signifies the *Renouncing a Actual Exercise of a Right*, as *Abdicare a Triumpho*: And, sometimes it hath the Accusative Case following it, and then it signifies the *Renouncing the very Right*, as that which was mentioned, *Abdicare Magistratum*; so that the Signification (as the Lords in their Reason) is doubtful: And such Words, we hope the *Commons* will not think fit to use in a Case of this Nature and Consequence, as ours now in Debate. And besides, The Lords apprehend that great Inconveniences will follow upon the Use of this Word, if it mean a *Renouncing absolutely of the Right*.



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It seems the *Commons* do not draw the Word *Abdication* from His Withdrawing himself out of the Kingdom; for then *Deserted* would (no Doubt) have Answered. That *Abdication* is the same, whether a Man go out of the Kingdom, or stay in it; for it is not to be esteemed according to the Place, but the Power. If a Man stays in the Kingdom, this is *Abdicare*, with a Preposition, to *Abdicate the Exercise of the Government*, but not the *Right of Governing*, according to the Constitution; and to such an *Abdication*, (if it be so declared) my Lords, I believe, may soon agree. Then, Gentlemen, there is another Distinction in those Authors that Writ concerning this Point, which are chiefly the *Civilians*; there may be an *Abdication* that may *Forfeit the Power of a King only*; and there may be *One*, that may *Forfeit both the and the Crown too*. It is a Distinction indeed in other Words, but to the same Sense: I will tell you presently why I use it.

Those *Abdications* that are of *Power* only, are *Incapacities*; whether those I call Natural and Involuntary, as Defects of Sense, Age, or Body, or the like; or Moral and Voluntary, as Contrariety in Religion; an Instance whereof there was lately in *Portugal*, which was a *Forfeiture only of the Power*, and not of the *Name and Honour of a King*; for though the *Administration* was put into the Younger Brother's Hand, the Patents, and other Publick Instruments ran in the Elder Brother's Name. This is, without all Doubt, Naturally an *Abdication* in the full Extent of the Word; nor do I here (as I said) consider, whether that the King be gone out of the Kingdom, or stay in it; but only, whether he be fit for the *Administration*, which must be Provided for, be he here, or gone away.

But the highest Instance of an *Abdication* is, when a Prince is not only unable to execute his Power, but Acts quite contrary to it; which will not be Answered by so bare a Word as *Endeavour*. I take these to be all the *Distinctions* of *Abdications*. Now, if this last Instance of an *Abdication of both Power and Right*, take Place in a *Succeeding Monarchy*, the Consequence will be, That there is a *Forfeiture of the whole Right*; and then that *Hereditary Succession* is cut off; which I believe is not intended by the *Commons*: There is indeed one Instance of the Use of such an *Abdication* in *Monarchy*, and that is, that of *Poland*; and such an *Abdication* there makes

the *Throne Vacant*; and those with, and in whom the Power is Invested of making Laws, (to wit, the Senate) appoint one to fill it: But that, and whatever other Instances of the like kind, these may be all of *Elective Kingdoms*; for though some of them are, or may be in *Kingdoms* now *Hereditary*, yet they were, in those times, *Elective*, and since altered into *Hereditary Successions*.

But, here is One thing, that is mentioned in this Vote, which I would have well considered, for the Preservation of the *Succession*, and that is the *Original Compact*: We must think sure that meant of the *Compact*, that was made at the first Time, when the Government was first Instituted, and the Conditions that each Party of the Government should observe on their Part, of which this was the most Fundamental, *That King, Lords, and Commons, in Parliament Assembled, should have the Power of making New Laws, and altering of Old Ones*: And That being one Law which settles the *Succession*; It is as much a Part of the *Original Compact* as any: Then if such a *Case* happens, as an *Abdication* in a *Successive Kingdom*, without Doubt, the *Compact* being made to the King, his *Heirs*, and *Successors*, the *Deposition* of the *Crown* cannot fall to us till all the *Heirs* do *Abdicate* too. There are indeed many Examples, and too many Interruptions in the *Lineal Succession* of the *Crown* of *England*: I think, I can instance in Seven since the Conquest, wherein the *Righ Heir* hath been put by: But that doth not follow, that every Breach of the First *Original Contract*, gives us Power to *Dispose* of the *Lineal Succession*; especially, I think, since the Statutes of *Queen Elizabeth*, and *King James* the first, that have Established the Oath of *Alliance* to the King, his *Heirs* and *Successors*, the Law is stronger against such a *Disposition*: I grant that from *King William* the first, to *King Henry* the Eighth, there has been Seven Interruptions of the *Legal Line* of *Hereditary Succession*; but, I say, those Statutes are made since that time, and the making of New Laws being as much a Part of the *Original Compact*, as the Observing Old Ones, or any thing else, we are Obligated to pursue those Laws, till altered by the *Legislative Power*, which singly, or jointly, without the Royal Assent, I suppose, we do not pretend to; and these *Laws* being made since the last Interruption, we are not to go by any President that was made before the making those *Laws*. So that, all that I conceive, ought to be meant by our Vote is, *But*  
a Set-

1689. *a Setting aside the Person that Broke the Contract: And, in a Successive Kingdom, an Abdication can only be a Forfeiture, as to the Person himself.*

I hope, and am perswaded, that both *Lords and Commons* do agree in this, *Not to break the Line of Succession, so as to make the Crown Elective:* And, if that be declared, that this *Abdication* of King *James the Second* reached no farther than himself; and that it is to continue in the *Right Line of Succession*, that I hope, will make all of One Mind, in this important Affair.

E. of Clarendon.

As I remember, Mr. *Sommers*, who spoke to the Signification of the Word *Abdicated*, did Quote *Grotius*, *Calvin's Lexicon*, and other Civil Lawyers, where the Express Words make it to be a *Voluntary Act*; and so are all the Instances that ever I Read or Heard of; that is, there either was some *Formal Deed of Renunciation, or Resignation*; or some *Voluntary Act done of the Party's own*; and such whereby they have shewn they did divest themselves of the Royalties. I think truly, Gentlemen, it is very apparent that the King, in this Case, hath done nothing of this Nature: It is indeed said, by that learned and ingenious Gentleman, Mr. *Sommers*, That it may arise from the Facts, that in the Vote it has been declared he hath done, *breaking the Fundamental Law, and the Original Contract: and endeavouring to Subvert the Constitution of the Kingdom.* I will not discourse the Particulars that have been alledged, to make out this Charge; But I may say this much in General, That this *Breaking the Original Contract*, is a Language that hath not been long used in this Place; nor known in any of our *Law-Books*, or Publick Records: It is sprung up, but as taken from some late Authors, and those none of the best received; and the very Phrase might bear a great Debate, if that were now to be spoken to. Mr. *Sommers* did likewise speak something to the particular Case, and the Grounds of the Vote; he said, *The King is Bound by Law, and bound to perform the Laws made, and to be made.* That is not denied; I would take Notice, that his Obligation thereunto doth not proceed from his Coronation Oath; for our Law saith, *He is as much King before he is Crowned, as he is afterwards; And there is a Natural Allegiance due to him from the Subjects immediately upon the Descent of the Crown upon him.* And though it is a very requisite Ceremony, to put him under a farther Obligation by the Conscience of his Oath; yet I think



It will not, nor can be denied but that, as King, he was bound to observe the *Laws* before; and no Body will make that Oath to be the *Original Contract*, as I suppose. But, my Lords and Gentlemen, if you do admit that it was never intended, by the House of *Commons*, to relate any further than to this King himself, I believe my own Opinion would concur to secure us against his Return to Govern us: But then, Why is there such a Contention about a Word? Doth all this imply more than *Desertion*?

But it is said, that *Abdication* doth imply a perfect *Renunciation*, which I cannot see how it is in this Case, so as to leave us at Liberty to supply as we please, and break the Line of *Succession*. Mr. Sergeant *Maynard* says, That it is not indeed to make the Government perpetually *Elective*. I would know, what he means by *Perpetually*: Our Breaking through the Line now, by a Choice out of the *Lineal* Course, is an Alteration and a *President*: And why may not others take the same Liberty we do? And, Will not that make it *perpetually Elective*?

But truly, I think, no Act of ours can alter the *Lineal Succession*; for, by all the *Laws* we have now in Being, our Government appears to be *Hereditary* in a Right Line of *Descent*: And upon any *Descent*, when any one ceaseth to be King, *Allegiance* is by Law due to the *Legal Heirs*, as well, before Coronation, as after. I was in great Hopes that you would have offer'd something in Answer to One of my Lord's Reasons against that part of the Vote, which declares, *The Throne to be Vacant*. That no Act of the King's alone can Bar or Destroy the Right of his Heir to the Crown, which is *Hereditary*, and not *Elective*. And then, if this matter goes no farther than King *James* the Second, in his own Person, How comes the *Vacancy* and the *Supply* to be Devolved upon the People? For if he only be set Aside, then it is apparent, whither the Crown is to go, to the Person that hath the next *Right of Succession*; and consequently there is no *Vacancy*.

Gentlemen, I would not Protract Time, which is now so necessary to be Husbanded; nor perplex Debates about any Affair like that which lies now before us, It is not a Question barely about Words, but Things, which we are now Disputing. The Word *Abdicated*, it is agreed by Mr. *Sammers*, is a Word of Art; and he hath told us what its Signification is, from those that are Skill-

E. of Nor-  
tingham.

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Skilled in the Art to which it belongs: He doth acknowledge that it is no Law-word among *English* Lawyers: nor known to the Common Law: But then he saith neither is the Word, used by the Lords, *Deserted*.

I agree to him, that neither the One or the Other are Words used in our Law; but the Inference I would draw thence is this, That we have no words applicable to this Case; because we never before had such a Case, and we must not draw Inferences of Law in such a Case, that are not deducible from Rules well known in our Laws. I will not Dispute what the Sense of the word *Abdication* is in the *Civil Law*; but that it is a *Civil Law* Word, is agreed to by me; and if it be, for that Reason, I am against using of it; because I am so much in Love with our own Laws, that I would use no Words in a Case that so much concerns our *Legal Constitution*, but what are fetched from thence.

I hope I shall never see our old Laws altered; or if they be, *God* forbid; we should be the Voluntary Agents in such an Alteration. But, then we are told the Word *Deserted* doth not reach our Case; because the Signification of the Word is but a *Temporary Leaving*, or *Forfeiting of his Power*, which he may Reassume: nay, which in some Cases there is a Duty upon him to Return unto. If that were all, Mr. *Sommers* hath given himself an Answer to that Objection, out of what he alledges of the Lords Reasons, who have declared that they are willing, To secure the Nation against the Return of King James into the Kingdom; and will therefore concur with the Commons in any Act that shall be thought necessary to prevent such his Return: so that it should seem we were agreed in that Matter; and if that were the Point we should find Words proper, soon enough to express our meaning by.

But, I find neither of these Words will, on the One Side or on the Other, be allowed to signify this Meaning; therefore we should (as I take it) come presently to think of some other that would. But, the Reasons why my Lords did chiefly insist upon the Alteration of the Word *Abdicated* was, Because they did apprehend, that it being a Word not Known to our Laws, there might be other Inferences drawn from it than they do apprehend our Laws will Warrant, from the Case, as it is stated in the Fact of this Vote; and, as they conceive, is done in the concluding of the Throne's being Vacant. Therefore, I think it would shorten the present Debate, if we did

settle

little that Point first; and, as we frequently in Parliamentary Proceedings, *Postpone* this, and that Paragraph of a Bill, till some others that may be thought fit to be determined first, be agreed to, so we should *Postpone* the Debate about the word *Abdicate*, till the *Vacancy of the Throne* be Settled; for if we were sure that the Throne were, or were not Vacant, we should easily light upon what Word were Proper to be used in this Case. I should therefore Propose, that we might Debate that first, because if there be an *English Word* of known Signification in our Law, which should signify no more than *renouncing for a Man's self*; and which would not amount to so much as *Setting aside the Right of Others*, that Word may be used; and, if no other, the Word *renouncing* it self may be taken, which would be best agreed to. *Acting against a Man's Trust* (says Mr. Serjeant Holt) is a *Renunciation of that Trust*. I agree it is a *Violation of his Trust* to act contrary to it; and he is accountable for that *Violation*, to Answer what the Trust offers out of his own Estate: But I deny it to be presently a *Renunciation* of the Trust, and that such a one is no longer a Trustee.

I beg his Pardon, if I differ from him in Opinion; whom I acknowledge to have much more Learning in his Profession than I can pretend unto; but if the Law be, as he says, in a *private Case*, then I must beg leave to forbear giving my Opinion in a Case of this *publick Nature* that is now before us, till I know what such a *Trust* is, and what the Law says in such a Case. If indeed, you do pretend *That the Throne is Vacant*, and both Houses agree to that Conclusion; I think it will be no matter what Word is used about it: But, if we do not agree unto that Conclusion; I think it will be afterwards easy to shew which is the fittest Word to be stood upon; or to agree on some other. I pray therefore (to shorten the Debate) that you, Gentlemen, would speak to this Point first; and when that is Resolved, I hope we shall easily come to an Agreement about the other.

I think, my Lords, that we may not consent to begin Sir George at the End, and first to enquire of the Conclusion, before the Premises are settled: For the *Vacancy of the Throne* follows, as an Inference drawn from the Acts of the King's, which are expressed most fully by the word *Abdication*; and to enquire what the Consequence is, when



1689. when the Fact is doubtful, from which the Consequence is to ensue, is beginning at the wrong end; till we state the Fact, we can assign no Consequence at all to it: Therefore, my Lords, I think the present Debate is to begin, where the Difference between the two Houses doth begin, and that is at the word *Abdicated*; and when that is over, we shall regularly come to the other Point in Difference. We are gone back too far, when we offer to enquire into the *Original Contract*, Whether any such thing is known or understood in our Law or Constitution? or, Whether it be new Language amongst us? And I offer this to your Lordships Consideration for two Reasons. *First*, It is a Phrase and Thing used by the learned Mr. *Hooker* in his Book of *Ecclesiastical Polity*, whom I mention as a valuable Authority, being one of the best Men, the best Church-man, and the most learned of our Nation in his Time, and his Works are very worthily recommended by the Testimony of King *Charles the First*; he alloweth, *That Government did Originally begin by Compact and Agreements*. But I have yet a greater Authority than this, to influence this Matter, and that is your Lordships own, who have agreed to all the Votes but this word *Abdicated*, and *The Vacancy of the Throne*. And therefore so much is enough to be said to that; and to go back to Debate what is not in Difference, is to confound our selves, instead of endeavouring to compose Differences.

And truly, my Lords, by what is now proposed, I think, we are desired to go as much too far forward when the *Vacancy of the Throne* is proposed to be the Question to be first Disputed before the *Abdication* from which it is inferred. But sure I am, it is very much beyond what the Vote before us doth lead us to, *To talk of the Right of those in the Succession*: For that goes farther than the very last Part of the Vote; and it is still to lead us yet farther, to say any thing about making the *Crown Elective*: For, I hope, when we come to answer your Lordships Reasons, we shall easily make it out, that it is not in this Case; neither was there any Occasion given by this Vote to infer any such thing. We shall therefore, keep the Points as they are both in Order of Place, in the Vote, and of Reason in the Thing; and, as we have done hitherto, to speak to the words *Abdicated* and *Deserted*, the words to be Disputed about in the first Place. Another Lord did give one Reason

Reason against the using the word *Abdicated*, Because it is a word belongs to the Civil Law, and said, He would by no means exchange our own English Common Law for that. I entirely concur with that Noble Lord in that Point; but he did agree to us also, That there is no such word in our Common Law as *Deserted*; that is, which should signify, by the Stamp the Law puts upon it, any Sence applicable to the Matter in Hand.

Then, if we must not use our Word, because unknown to our Common Law; neither must we use your Lordships for the same Reason, and so shall be at an intire loss what Word to use; and so, indeed, they may well come to consider the Conclusion first, who leave us at Uncertainties on what Terms we are to Discourse; and there cannot be a greater Confusion in any Debate, than to state a Conclusion without the Premises; which we must do, if we cannot agree how to word the Fact we infer from. My Lords, I shall not much differ from what, in general, has been said concerning the Sence of the word *Abdicated*; for it seems to be agreed on all hands that it is a *Renunciation*: Neither, will I contend for an *Involuntary Abdication*; because I think it means a *Voluntary Act*: But truly what your Lordships mean, in your Reason against it, by the word *Express*, I cannot so well understand. That a King may *Renounce* his Kingship, I think, may be made out both in Law and Fact, as well as any other *Renunciation*; and that, as far as I can discern, by your Lordships Reasons, and this Day's Debate hitherto, is not to be denied by any: Indeed some of my Lords have told us, That there 'tis meant of the Exercise of a Right which may be Renounced, without Renouncing that Right. Whether that be a true Distinction, or no, is not very Material: But if it be, that the Kingship it self (as including a Right to Govern) may be Renounced, and hath been, it will be no Difficulty to make out, by Instances in all Countries, not only where the Crown is, or was *Elective*; but also where it was *Hereditary* and *Successive*. If a King will *Resign* or *Renounce*, he may do so, as particularly *Charles the Fifth*.

That was an exprefs solemn *Renunciation*.

My Lords, the particular manner of Doing it, is (I take it) not Matter in Debate just now before us, till it be settled, whether a King can *Abdicate* at all, or *Resign*, or *Renounce* his Kingship at all; this then being granted, That a King may *Renounce*, may *Resign*, may

E. of Pembroke.

Sir George Treby.

1689. *Part with his Office, as well as the Exercise of it; then the Question indeed is, Whether this King hath done so, or no? That he may do it, I take it for granted, it being an Act of the Will: Then let us now enquire into the Facts, as set out in the Vote, Whether this Will of his be manifest? For that you have heard it may be discovered several ways; the Discovery may be by Writing, it may be by Words, it may be by Facts: Grotius himself, and all Authors, that Treat of this Matter, and the Nature of it, do agree, That if there be any Word, or Action that doth sufficiently manifest the Intention of the Mind and Will, to part with his Office; that will amount to an Abdication, or Renouncing.*

Now, my Lords, I beg leave to put this Case, That had King James the II. come here into the Assembly of Lords and Commons, and expressed himself in Writing or Words, to this Purpose, I was born an Heir to the Crown of England, which is a Government limited by Laws, made in full Parliament by King, Nobles, and Commonalty; and upon the Death of my last Predecessor, I am in Possession of the Throne; and, now I find, I cannot make Laws without the Consent of the Lords and Representatives of the Commons in Parliament; I cannot suspend Laws that have been so made without the Consent of my People; this indeed is the Title of Kingship I hold by *Original Contract*, and the Fundamental Constitutions of the Government, and Succession to, and Possession of the Crown; on these Terms is Part of that *Contract*; this Part of the *Contract* I am weary of, I do Renounce it, I will not be obliged to Observe it; nay, I am under an invincible Obligation not to comply with it; I will not Execute the Laws that have been made; nor suffer others to be made, as my People shall desire, for their Security of Religion, Liberty, and Property, which are the three main Parts of this Kingly Office in this Nation. I suppose he had so exprest himself, doubtless this had been a plain *Renouncing* of that *Legal Regular Title* which came to him by Descent: If then he, by Particular Acts, such as are enumerated in the Vote, has declared as much, or more than these Words can amount to, then he hath thereby declared his Will to *Renounce* the Government: He hath, by these Acts mentioned, manifestly declared that he will not Govern according to the Laws made; nay, he cannot so do; for he is under



strict Obligation, (yea the strictest) and superior to that of the *Original Compact* between King and People, to Act contrary to the Laws, or to suspend them.

By the Law, he is to administer Justice; and to execute his Office according to the Tenour of those Laws; and, the Coronation Oath obligeth him likewise to consent to such Laws as the People shall chuse: But on the contrary, by that unfortunate Persuasion (in Point of Religion) that he hath embraced, he is obliged to suspend the Laws that defend the Established Religion, and to Treat it, as it has been (as we well know) called, as the *Northern Heresy*; and, under Pain of Damnation to Extirpate it: And, in order to it, did set aside and Repeal all the Legal Fences of it, without Consent of Parliament. What the Endeavours and Practices of that kind have been in the last Reign, I suppose, we are not now to be told of, or instructed in; and if (as is very Plain) this doth amount to a manifest Declaration of his Will, no longer to Retain the Exercise of his Kingly Office, thus Limited, thus Restrained, then in common Sense, as well as legal Acceptation, he has sufficiently declared his *Renouncing of the very Office*: As for his Departure out of the Kingdom, 'tis not material, whether it was Voluntary or Involuntary; but it is sufficient that his Actings declare, *quo Animo*, he went away; he no longer would pursue what he designed, and was so strongly Obligated unto the contrary, by the Duty of his Office and Relation, and the Obligation of the *Original Contract*; as likewise his own Coronation Oath, and then he desires no longer to be here. So that, taking both these Things together, that he will not, nay, he cannot (as thus persuaded in Point of Religion) Govern according to Law, and thereupon hath withdrawn himself out of the Kingdom: It is a manifest Declaration of his Express *Renouncing and Parting with his Kingly Office*: And therefore I cannot depart from insisting upon this word *Abdicated*, which doth so well correspond to the Fact of the Case, and so well express the true Meaning of the Commons in their Vote: Nor can we Consent to the *Postponing* this Point, till the other about *The Vacancy of the Throne*, be determined; for this is the very Foundation upon which we are to proceed, for *Establishing the Superstructure of the other Conclusion*.

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E. of Nottingham.

This Learned Gentleman that spoke last, says, It is necessary to prefer the Premises before the Conclusion, as being the Foundation of the Superstructure. Truly, I apprehend that this word *Abdicated* was part of the Conclusion, and not of the Premises: The Vote runs thus, *That by breaking the Original Contract, having endeavoured to subvert the Constitution of the Kingdom, and having withdrawn himself out of the Kingdom, he has Abdicated the Government, and the Throne is thereby Vacant.* I take it to be (as I say) part of the Conclusion, the other part being joined by a Copulative; therefore that which is but the other part of the Conclusion, is not to be inferred from the other part of the Premises. But take it to be (as you say) that *The Vacancy of the Throne is another distinct Conclusion from all that preceded, as the Premises, and therefore it is to be considered last*; I would then beg the Favour of You, Gentlemen of the House of Commons, to answer me one Question about this Point of *Abdication*. Whether you mean by *Abdication* a Renouncing for Himself, or for Himself and his Heirs.

If you mean only *Abdication* for Himself, it will have a different Influence upon the Debate and Resolution of the Case, as to the meaning of that You call the Conclusion; for then, *How can the Throne be Vacant?* But if it be meant for Himself and his Heirs, then I apprehend it is no more than what you say at the end, *The Throne is indeed Vacant*; and then this *Abdication* cannot be part of the Premises, but must be the same Thing with, or Part of the Conclusion: I will not undertake to dispute, Whether a King of England may, or may not, Renounce his Kingdom? For my own Part, I think he can, and I may go so far in Agreement with those that have spoken to this Point, *To yield that he may do it by Implicit Acts, contrary to the Kingly Office.*

For a King to say, He will not Govern according to Law; and for a King to Act wholly contrary to Law, and do that which would subvert the Constitution, (I think) the same thing. But then I must say also, That I think there is a Difference between *Saying* and *Doing something* inconsistent with what the Laws require; for every Deviation from the Law is a kind of Breach of the Fundamental Laws; for I know no Law, as Laws, but what are Fundamental Constitutions; the Laws are necessary, so far as to support the Foundation. But if every Transgression or Violation of the

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Law, by the Prince's Connivance or Command, were such a Breach of the Fundamental Laws, as would infer an *Abdication*, then were it in vain to call any of his *Ministers* or *Officers* to Account for any such Action. Then the Action is the *King's*, and not *Theirs*; and then adieu to the Maxim of, *A King's not doing Wrong*: And we may have Recourse to that other *Respondent Superior*, as more effectual Satisfaction.

I take this Matter to be so plain, as to the Distinction that I have mentioned, that nothing can be more; and it has been thought so essentially necessary to have it clear and manifest, That those two great Instances of *Edward the Second*, and *Richard the Second*, were express solemn Renunciations, and those confirm'd in *Parliament* by the *Lords* and *Commons*, by the Act of Deposing them. Therefore I cannot infer from the Facts enumerated in the Vote, That this should be an *Abdication* for Himself and his Heirs.

But therefore, because in this first Point it is disputable, what is meant by a Word not of known Signification in the Law; it might, I think, do well to consider what is to be inferred from it: And therefore all I have now said, is only to this purpose, That either both make one *Conclusion*, or else the latter cannot be inferred from the former.

I beg leave to say something to what this Noble Lord Sir George has last spoke unto: When I call this Point of the *Vacancy of the Throne* a *Conclusion*, I did not mean altogether to exclude *Abdication* from being a *Conclusion* from the Particulars enumerated before; for indeed it is the Nature of a double *Conclusion*; one from the particular Facts mentioned, That thereby King *James* has *Abdicated the Government*. The other, from the *Abdication*, That thereby the *Throne is Vacant*: By the instanced Acts, he hath *Abdicated the Government*; and by his *Abdicating the Government*, the *Throne is Vacant*. As to the rest of that which his Lordship is pleased to say, I perceive he does (as he must) agree to me, That a *King* may Renounce by Acts as well as Words, or Writings, But then, I would add, and agree with his Lordship also, That *God forbid every Violation of the Law, or Deviation from it, should be reckon'd an Abdication of the Government*. I desire to deliver my self from the Imputation of any such absurd Conceit.



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When a King breaks the Law in some few particular Instances, it may be sufficient to take an Account of from those Evil Ministers that were instrumental in why such a thing was done; which was against Law. Why such a Law was not executed by them; whose Duty it was to see it put in Execution? You may, in ordinary Cases of breaking the Law, have Remedy in the ordinary Courts and Course of Justice: But surely this does not take this to be such a Case, or these to be ordinary Violations of the Law; and therefore the extraordinary Remedy is to be recurred unto; for the King having a limited Authority, by which he was obliged to keep the Laws made, as to the executive Part of the Government, and to observe the Constitution for making such new Laws as the People should find necessary, and present him for his Consent; when he doth Violate not a particular Law, but all the Fundamentals; nor injure a particular Person in Religion, Liberty, or Property, but falls upon the whole Constitution itself. What doth all this speak? He therein saith, *I will no more keep within my limited Authority, nor hold my Kingdom Office upon such Terms. This Title I had by the Original Contract between King and People; I Renounce that, and will assume another Title to my self; that is, such a Title as by which I may Act as if there were no such Law to circumscribe my Authority.* Where shall any Man come to have Redress in such a Case as this, when the Malefactor comes to be Party, unto whom all Applications for Relief and Redress from Injuries should be made, and so he himself shall be a Judge of his own Breaches of Law. This most apparently was the Case as to the *Quo Warranto's*, which was a plain Design to subvert the Constitution in the very Foundation of the Legislature. It is because the King hath thus violated the Constitution by which the Law stands, as the Rule both of the Kings Government, and the Peoples Obedience, that we say He hath *Abdicated* and Renounced the Government; for all other particular Breaches of the Law, the Subject may have Remedy in the ordinary Courts of Justice, or the extraordinary Court of Parliamentary Proceedings: But were such an Attempt as this is, made on the Essence of the Constitution, it is not We that have brought our selves into this State of Nature, but Those who have reduced our Legal well-established Frame of Government into such a State of Confusion, as we are now seeking a Redress unto.

The Lords have given their Reasons why they shou'd use the Word *Abdicated*; because it is a Word not known to the Common Law, and of doubtful Signification: Therefore it would be well if the Commons would please to express their own Meaning by it. I believe my Lords shou'd be induced to Agree, that the King hath *Abdicated*, that is, *Renounced the Government*, for himself. If you mean no further than that; and if You do so, Why shou'd You not be pleased to explain your selves, that every one may know how the Matter stands, and to preserve a good Correspondence between both Houses, in such a Juncture and Conjunction as this? But if you do mean any thing more by it, than *Abdication* for Himself only, tho' their Lordships shou'd agree to the using of the Word *Abdicated*; yet this would prove a greater Argument against their Agreeing in the Other Point, about the *Vacancy of the Throne*? Therefore, we would be glad to have you explain your selves, what you mean by it. *Then there was a little Pause.*

If the Lords have nothing further to offer upon this Mr. Ham-Point, it will be fit for Us to go on to the other A- den-  
mendment, made by the Lords to Our Vote.

*No Lord offering to speak, the Commons proceeded to the Second Amendment.*

My Lords, As to your Lordships Second Amendment Mr. Sache- to the Commons Vote, (to wit, To leave out the Words, verell. And that the Throne is thereby Vacant) the House of Commons cannot agree with your Lordships to that Amend- ment; and they do conceive they have many and great Reasons why they should not do it. But, my Lords, They very much wonder, how it comes here to be laid upon Them (as it seems to be, by one of your Lord- ships Reasons) That they, by using those Words of *Ab- dication* and *Vacancy*, signify an Intention of making an Alteration of the Constitution of the Government. I would not misrepresent your Lordships Words, or misre- present your Meaning: But you are pleased to say, That you cannot agree to such an *Abdication of Vacancy*, as that the Crown should thereby become *Elective*: As if the Commons had Thoughts of making the Kingdom *Elective*, when no such thing was either meant by Them, or can be de- ducted from their Words,

But,

But, my Lords, One Reason why they differ from You is, They think (upon the nature of your Proceedings) they are in the Right, to insist upon their Vote as they sent it up to your Lordships: And they conceive as to all the Reasons your Lordships have been pleased to give them for your Alterations, not One of them hath so much Argument in them, as they might well expect.

The *Commons* Reason for their Disagreeing to this Amendment, was, Because they conceive (that, as they may well infer) from so much of their own Vote, as your Lordships have agreed unto, *That King James the Second hath Abdicated the Government, and that the Throne is thereby Vacant*: So if they should admit your Lordships Amendments, *That he hath only Deserted the Government*, yet, even thence would follow, *It's Vacant, as to King James the Second*: Deserting the Government being, in true Construction, *Deserting the Throne*. Now, to this they do desire, That your Lordships will consider and see, Whether you give an Answer to this Reason; or rather, Whether you do not leave the Matter still in the Dark, and (in Truth) leave the Nation in a perpetual state of War? Your Lordships Answer to that, although you have agreed, that the King has *Deserted the Government*, and therefore you have made Application to the Prince of Orange, to take upon him the Administration of the Government, and thereby provide for the Safety and Peace of the Kingdom; yet there can be no Inference drawn from thence, but only that the Exercise of the Government by King James the Second, was ceased, so as the Lords were and are willing to secure the Nation against the Return of the said King into this Kingdom; but not that there was either such an Abdication by him, or Vacancy in the Throne, as that the Crown thereby became Elective; to which they cannot agree. I desire now to know of your Lordships, what Part of this Reason hath given an Answer to what the *Commons* said in their First Reason; That they may very well conclude from their own Vote, as to what your Lordships have therein agreed to, *That the Throne is Vacant as to King James the Second, Deserting the Government, and Deserting the Throne*, being in true Construction the same. Instead of answering this Reason, your Lordships come and apply it here, only to a bare Giving over the Exercise of the Government by King James. And, pray, my Lords, let us consider where we are.



If the Case be so, then King James the Second, who is only left the *Exercise*, continues in the *Office*, and is still; and then all the Actions that we have done in this *Convention*, are wholly (as we conceive) not justifiable. You are in no Place or Station to relieve your selves, or the Nation, in this Exigence; unless you will think of setting up another Regency by your own Authority, without his Consent; which, I conceive, by the Laws of *England*, you cannot do. What then follows upon all we have done? We have drawn the Nation into a Snare, by the Steps we have taken; and leave all in such an Intricacy, as we have no Power, by Law, to deliver them out of; nor can we answer for what we have done, unless the King should die, and that would leave the Succession uncertain.

My Lords, I only apply my self to consider the Reasons of your Lordships, for insisting upon this Second Amendment; because, I conceive, your Lordships have herein given no Answer to the Reason first given by the *Commons*, why they cannot agree to your Lordships Amendment.

My Lords, your own Reasons (under Favour) do shew, That your Lordships do intend, that the King is still in the Government? This, I think, is most apparent out of your own Reason. For when you have declared, *That the King hath Deserted the Government*, and then say, No Inference can be drawn thence, but only, *That the Exercise of the Government by King James the Second was Ceased*; then you do thereby still say, That King James the Second is in the Government; for if only the *Exercise be Ceased*, the *Right* doth still remain: Then, I am sure, we have no Reason to Agree with your Lordships in that Point.

Next, my Lords, truly we cannot see how this thing that you would have can be inferred from your Vote, That only the *Exercise of the Government by King James is ceased*; since you do not say, that he Deserted the Exercise of the Government. And if your Lordships had any purpose to express your Meaning by a publick Vote, That only the *Exercise ceased*, surely your Lordships would have put in the Word *Exercise* there: But when in your Vote you say, *The Government was deserted*, you cannot mean only the Exercise of it. And that it is the first Reason that the *Commons* give your Lordships why we cannot by any means admit of your Lordships Amendment, because

Throne

1689. *Throne and Government* are in true Construction the same; but the Exercise of the Government only (as you express it) and the Government it self; (if your Reason concludes right) are not the same. And we are Reason from the Words expressed in the Vote.

Next my Lords, we say, It cannot be inferred from the Words, as they rest in your Lordships Vote, that only the Exercise of the Government as to King James the Second, did cease. For if we read that part about Deserting the Government, with the rest of the Particulars that go before, his endeavouring to Subvert the Constitution of the Kingdom, breaking the Original Contract, violating the Fundamental Laws, and withdrawing himself out of the Kingdom; then can any Man of Understanding think that this Deserting of the Government can be any thing else but somewhat that is agreeable to all those precedent Acts, which are not a ceasing of the Exercise of the Government only, but a Destruction of the Government it self.

But besides, my Lords, under Favour, the Administration or Exercise of the Kingly Government is in Construction and Consideration of Law all one and the same: And, I think, no Body that would reason aright from thence can say there is any distinction between Government and the Exercise of the Government; for whosoever takes from the King the Exercise of the Government, takes from the King his Kingship; for the Power and the Exercise of the Power are so joyned, that they cannot be severed. And the Terms themselves (taking them as the Law of England, which we are to argue from this Case, teacheth them) are so co-incident, that they cannot either subsist without consisting together: If a Man grant to another the Government of such a Place, this imports the Exercise of the Government there to be granted thereby.

As to the Islands belonging to this Crown and Dominion of England (as the Plantations abroad) if the King grants to any one the Government of Jamaica, or the like, sure no one will say, that that is not a Grant of the Exercise of the Government there. So that wherever a Government is granted, the Exercise of that Government is meant and included, and therefore the supposed Distinction may be something indeed, if they be only notionally considered; but it is a Notion altogether disagreeing to the Law of England.

When

When your Lordships say in your Reasons, That the Exercise of the Government as to King James the Second is ceased, which as far as you can go in this Point, the Commons can by no means agree to this Reason: for by the Words so used (*the Exercise ceased*) we apprehend, that you mean, the Kingship continueth still in him, and that only the Exercise is gone. And if it be so, and it be utterly unlawful, and as great a Crime (as what Law saith it is not?) to make away from the King the Exercise of the Government, as to take from him the Government, then it may do well for your Lordships to consider, whether you are not Guilty of the same Crime and Thing which you would decline by your Amendment.

The Commons therefore cannot admit, That there should be a taking away of the Exercise of the Government from the King, any more than the taking away the Government which (we say) he hath himself given away by *Abdication*. And if King James be our King still, we cannot by any Means agree to the keeping of him out of the Kingdom; for if it be his Right to be King still, God forbid but that he should enjoy it, and be admitted to the Exercise again.

Then, my Lords, for the Conclusion that your Lordships have added to your Reason (as making it from the very Words of your Vote) that is, *That it would infer such a Vacancy in the Throne, as that the Crown should thereby become Elective*; This, we conceive, is a conclusion, That hath no Premisses either from our Actions, or our Sayings, or our Votes, or any thing else in this Case; nay, it is quite varying from all the Premisses: But when such a Conclusion can be shewn to follow from them, then it will be time enough for us to give our Answer to it.

But, my Lords, this is that we do insist upon; That if the Right of Kingship be still (after all that is agreed on both hands) due to him, we can not in Justice agree to keep him from it. And if it be not his due Right, but by these Acts his Subversion of the Constitution, his breaking the original Contract, and Violation of the Fundamental Laws, he hath Abdicated it (as we say) and this Abdication hath put him by his Right, and so his Right is gone from him (as we conceive it is;) then, I think, we may lawfully go on to settle the Peace and Welfare of the Nation.

But



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But the Right to be still in him to have a Regency upon him without his own Consent, or till his Return, we take it to be a strange and impracticable thing, and would be introductive of a new Principle of Government amongst us. It would be setting up a Commonwealth instead of our ancient regulated Government, a limited Monarchy; then, I am sure, we should be justly blamed: And therefore we can by no means submit to your Lordships Alterations of our Vote, upon any of the Grounds and Reasons that have as yet been offered.

E. of Clarendon.

As to what Mr. P—— hath offered, I desire to observe a Word or Two, and that is from the Commons second Reason for their disagreeing to their Lordships Amendments.

You say there, That the Commons do conceive they need not prove to your Lordships, that as to any other Person besides King James the Throne is also Vacant: Doth not this shew, that the meaning of the Vacancy is a Vacancy throughout, as well as with respect to King James. I ask your Pardon if I do not declare my own Opinion about the Vacancy as to him; but all that I mention this for, is to know your Meaning in this Point, how far the Vacancy is to extend.

You said before, That He had Abdicated the Government, and thereby the Throne was Vacant. How is it Vacant? Is it only as to King James, or is as to Him and all or any of his Posterity, or any of those that are in the Remainder in the Royal Line in Succession? If it be as to them too, then it must necessarily follow, that the Kingdom must thereby become Elective still, or the Government changed into a Commonwealth; neither of which, we hope, the Commons intended by it. And therefore that made me ask before what a grave and learned Gentleman meant when he said it should not be perpetually Elective.

Sergeant Maynard.

I am sure, if we be left without a Government, as we find we are (why else have we desired the Prince to take upon him the Administration?) sure we must not be perpetually under Anarchy, the Word Elective is none of the Commons Word; neither is the making the Kingdom Elective the Thing they had in their Thoughts or Intentions; all they mean by this matter, is to provide a Supply for this Defect in the Government, brought upon it by the late King's late Administration. And I do say again, this Provision must be made

made

made, and if it be, that would not make the Kingdom perpetually Elective? I stand not upon any Word, but am for the Thing, that a Provision be made to supply the Defect.

Do your Lordships agree, That the Throne is Vacant Mr. Pol: to King James the Second? If so, or if you will say it lex fen.  
is full of any body else, and will name whom it is full of, it will then be time for the Commons to tell what to say to it. If your Lordships will please to shew that, we'll go on to give it an Answer.

Your own Words in your Second Reason are, That E. of Cla: you need not prove to us, that it is to any other Person the rendon.  
Throne is also Vacant: Then how should we name who it is full of? Admit for Discourse sake, but we do not grant it, for my part, I do not. I say, taking it to be Vacant, as to King James the Second, then you ask us, Who it should be Supply'd by: Must it not be Supply'd by those that should have come if he were dead?

For, I pray consider, I take this Government, by all our Laws, to be Hereditary Monarchy, and is to go in Succession by Inheritance, in the Royal Line; if then you say this Government is Vacant, that would be to put all those by that should take the Succession, and that will make the Kingdom Elective for that time.

You say, *The Throne is Vacant*: then I may very well ask, Who hath the Right of filling up that Vacancy? We say, There is no Vacancy; if there is, pray is there any body that hath the Right of filling it up?

That is not the Question before us; yet that will come Sergeant properly in debate; when we are agreed upon the Vacan- Maynard.  
cy. That Noble Lord says, *It is by our Law an Hereditary Monarchy*. I grant it, but though it should in an ordinary way Descend to the Heir, yet as our Case is, we have a Maxim in Law as certain as any other, which stop the Course; for no Man can pretend to be King James's Heir while he is living; *Nemo est hares viventis*.

To that Point I think my Lord of C---n gave an An- E. of Pem-  
swer, 'That it should go to the next in the Line that broke.  
were to take it, if the King were dead: for as we should be understood, we should make it a Case of Demise of our Kings, as our Law calls it; that is, the King is dead in Law by this Abidication or Desertion of the Government, and that the next Heir is to take by Descent. You, Gentlemen, ask us who the Throne is full of; I think it is sufficient to know that there are Heirs who

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are to take the Lineal Succession, though we do not  
 cannot positively name the particular Person; and there-  
 fore we may well conclude there is no Vacancy. Sup-  
 pose I should be told such a Gentleman is in such a Room  
 and there I find him, and another Man with him, and  
 come out and tell you so, and ask, *Which is he*, you  
 may be doubtful which of the two is the Man, but find  
 the one of them is he; but because you cannot tell which  
 it is, shall I conclude no such one is there? If there be  
 a doubtful Title, (that is, dubious in whom the Title  
 resides, but a certain Title as to some one) and I can-  
 not directly name him that hath the immediate Right,  
 yet it is sufficient to prevent the Vacancy, that there is  
 an Heir or Successor, let him be who he will.

**Sergeant Maynard.** But your Lordships will neither agree it is Vacant  
 nor tell us how it is Full. King *James* is gone, we  
 hear or know of no other, What shall the Nation do in  
 this Uncertainty? When will you tell us who is King  
 if King *James* be not? Shall we everlastingly be in this  
 doubtful Condition?

**E. of Pembroke.** Sure Mr. Serjeant *M——d*, you will agree there is  
 One, and no more than One, to whom a Right does  
 belong of Succeeding, upon failure of King *James*. Has  
 he no Heir known?

**Sergeant Maynard.** I say, No Man can be his Heir while he lives. If he  
 has any, it is in *Nubibus*, our Law knows none; and  
 What shall we do till he be dead? It cannot descend  
 till then.

**E. of Pembroke.** You agree, That notwithstanding King *Charles* the Se-  
 cond was abroad at his Father's Death, and did not ac-  
 tually Exercise the Government, yet in Law, immedi-  
 ately upon his Father's Decease, he was not the legal  
 Heir for that; nor was the Throne Vacant.

**Sergeant Maynard.** That is not like this Case neither, because the Des-  
 cent was Legally immediate; but here can be no such  
 thing during King *James's* Life, as an Hereditary Des-  
 cent. So that either here must be an everlasting War  
 entail'd upon us, his Title continuing, and we opposing  
 his return to the Exercise of the Government, or we  
 have no Government for want of a Legal Descent and  
 Succession. Pray, my Lords, consider the Condition of  
 the Nation till there be a Government; no Law can be  
 executed, no Debts can be compelled to be paid, no Of-  
 fences can be punished, no one can tell what to do to  
 obtain his Right, or defend himself from Wrong. You  
 still



Will say, *The Throne is not Vold*, and yet you will not fill us who Fill it: If once you will agree, That *the Throne is Vacant*, it will then come orderly in Debate, how it should, according to our Law, be Filled.

The Objection (as I take it) that is made to these E. of Northampton's Reasons, the Lords have given for their insisting upon the Amendments, is, *That we have not fully answered in them the Reasons given by the Commons for their not agreeing to those Amendments.*

My Lords, We say you have not fully answered the first of our Reasons. Mr. Sacheverel.

Gentlemen, I intend to state the Objection so: That the first Reason of yours I take to be this in effect; That our Word (*Deserted*) being applied to the Government, implies our Agreeing that the King hath Deserted the Throne, those two being in true construction the same; and then by our own Confession, the Throne is Vacant as to him.

To this you say, my Lords have given no Answer: Truly, I think it is a clear Answer, that the Word (*Deserted*) may have another Sense, and doth not necessarily imply *Renouncing* entirely of a Right, but a ceasing of the Exercise. But then, if that does not Vacant the Throne as to him, the other Reason comes to be considered, How came you to desire the Prince of Orange to take the Administration upon him, and to take care of Ireland till the Convention, and to write his Letters circularly for this Meeting? And to renew your Address to the Prince, and to appoint a Day of Publick Thanksgiving? In answer to that, my Lords say, That tho' the King's *Deserting* the Government (as they agree he has done) did imply the Throne to be Vacant, yet they might justly do all those Acts mentioned in the Commons Reasons; because if barely the Exercise of the Government were *deserted*, there must be a supply of that Exercise in some Person's taking the Administration, and as none so fit, because of the Prince's Relation to the Crown (and his presence here) to Address unto about it, so none so proper to make that Address, as the Lords; for in the absence of the King, they are the King and Kingdoms great Council, and might have done it by themselves, without the Commons; but being met in a full Representative Body, they joyned with them.

Mr. P——n indeed has said, *There is no distinction in Law between the Kingship and the Exercise of it.* And that

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*it is the same Crime, in consideration of Law, to take away the Exercise, as to take away the Kingship.* I shall not dispute with that Learned Gentleman (whom I very much honour for his Knowledge in the Profession of the Law) what Offence either of them would be now, for we are not discoursing concerning a Regency, how the Government should be Administred, but we are barely upon the Question, Whether the Throne be Vacant, so that we may have another King. But if we should grant a Vacancy as to the King himself, we are then told, the next in Succession cannot take, because no one can be Heir to one that is a live. Yet I think, the Answer given by my Lords before is a very good one, That *the King be not dead Naturally, yet if (as they infer) he is so Civilly, the next of course ought to come in as by Hereditary Succession*; for I know not any distinction between Successors in the case of a Natural Death, and those in the Case of a Civil one.

For I would know if the next Heir should be set aside in this Case, and you put in another, whether that King shall be King of *England* to him and his Heirs, and so being once upon the Throne, the ancient Lineal Succession be altered: If that be so, then indeed it is sufficiently an Elective Kingdom, by taking from it the right Heir. If it be not so, then I would ask, Whether such King as shall be put in, shall be King only during King *James's* Life. That, I suppose for many Reasons, is not your meaning, but, at least he must be made King, during his own Life; and then if there be a Distinction made as to the Succession between a Natural and a Civil Death, if King *James* should die during the Life of the New King, what would become of the Hereditary Monarchy? Where must the Succession come in, when the next Heir to King *James* may not be next Heir to the present Successor?

Therefore we must reduce all to this Point, which my Lords have hinted at in their Reasons, Whether this will not make the Kingdom Elective? for if you do once make it Elective, I do not say that you are always bound to go to Election, but it is enough to make it so, if by that President there be a Breach in the Hereditary Succession, for I will be bold to say, you cannot make a stronger Tye to observe that kind of Succession, than what lieth upon you to preserve it in this Case. If you are under an Obligation to it, it is part of the *Constitution*.

tion. I desire any one to tell me what stronger Obligation there can be ; and that, I say, is Reason enough for my Lords to disagree to it, it bringing in the Danger of a Breach upon the Constitution.

Next, Gentlemen, I would know of you, if the Throne be Vacant, whether we be obliged to fill it ; if we be, we must fill it either by our old Laws, or by the Humour of those that are to chuse ; if we Fill it by our own old Laws, they declare, That it is an Hereditary Kingdom, and we are to take the next to whom the Succession would belong, and then there would be no need of standing upon a Vacancy. If we are to fill it according to the Humour of the Times, and of those that are to make the Choice, that diverts the course of Inheritance, and puts it into another Line : And I cannot see by what Authority we can do that, or change our Ancient Constitution, without committing the same Fault we have laid upon the King.

These are the Objections against the Vacancy of the Throne, which Occur to me ; and We, Gentlemen, desire a Satisfaction to them before we agree to the Vacancy. And, I think, the Answering them will lead us unto that which I take to be the main Point in Question, Whether the Vacancy of the Thone, and Filling it again will not, as my Lords say, endanger the turning this Hereditary Monarchy of ours into an Elective one.

My Lords, it seems very strange to us, that this *Mr. Sacheverel.* Question should be asked us, when we come to shew, That your Lordships Reasons for leaving out this part of our Vote are not satisfactory, neither do answer the Reasons we gave for our not agreeing to your Lordships Amendments : And it is much stranger that we should be asked, Whether this Vacancy extends to the Heirs, when you will not tell us, whether it be Vacant as to King *James* himself. You put it upon us to say, the Execution or Exercise of the Government is ceased ; but you will not say the Throne is Vacant, so much as to him : And if it be not, what have we to do, to consider, or debate, of any Consequence, whether it will infer an Election or not ? We desire of your Lordships that which we think is very proper ; first, to know whether the Throne be Vacant at all : If it be, then our Proposition in the Conclusion of our Vote is true, That the Throne is thereby Vacant. My Lords, I think we come



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here very much in vain, till this Point be settled: What Satisfaction can it be to your Lordships, or Us, or the Nation, to know that such things as are mentioned in the Votes have been done by King *James*, and that he has deserted (as you say) the Government, if he still retain a Right to it, and your Lordships will not declare he hath no Right, but amuse the Kingdom with the doubtful Words of the *Exercise* (as to him) *Ceasing*. If that be all you mean, what need the Question be asked, how far it is vacant, for it should seem it is not vacant at all.

E. of Nottingham.

Will you please to suppose it Vacant as to King *James*, that is, that he hath no Right? Then let us go on to the next step.

Mr. Sacheverel.

That, my Lords, we cannot do, for all our Business is to maintain our own, That the Throne is Vacant.

Mr. Somers.

My Lords, your Lordships, as a Reason against the Word *Abdicate*, say, *It is not a Word known in our Common Law*, But the Word *Vacant*, about which we are now disputing, cannot have that Objection made to it, for we find it in our Records, and even applied in a parallel Case to this of ours, in *1 Hen. IV.*, where it is expressly made use of more than once, and there it doth import what I think it doth import in this Vote of the House of Commons, now in debate, and to require any further or other Explication of it than the Record gives will be very hard and unreasonable; for we are here to give the Commons Reasons for maintaining their own Vote, and nothing else. If your Lordships please to look into the Record in that Case, there was first a Resignation of the Crown and Government made and subscribed by King *Richard* the Second, and this is brought into the Parliament, and there they take notice, that the *Sedes Regalis* (those are the Words) *fuit vacans*, and the Resignation being read both in Latin and English, in the Great Hall at *Westminster*, where the Parliament was then assembled, it was accepted by the Lords and Commons.

After that, it proceeds further; and there are Articles exhibited against *Richard* the Second, and upon these Articles they went on to Sentence of Deposition and Deposition, and then followeth the Words in the Record, *Et confessum ut constabat ex premissis & eorum occasione Regnum Anglia cum pertinentiis suis vacare*. Then *Henry* the Fourth riseth up out of his place as Duke of *Lancaster*, where

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where he sat before, and standing so high, that he might be well enough seen, makes this Claim to the Crown: The words in the Record are, *Dicitur regnum Angliæ sic præmiur Vacans una cum Corona vendicari.* After that, the Record goeth on, That upon this Claim the Lords and Commons being asked, What they thought of it, they unanimously consented, and the Archbishop took him by the Hand, and led him *ad Sedem Regalem Prædictam*, &c.

Nay, and after all this, it is there taken notice of, and particularly observed that *prins Vacante sede Regali*, by the Lesson and Deposition aforesaid all the Publick Officers ceased; there is case taken for Henry IV's taking the Royal Oath, and granting of new Commissions. My Lords, the Commons do therefore apprehend, that with very good Reason and Authority they did in their Vote declare the Throne to be Vacant. But as to the going further to enquire into the Consequences of that, or what is to be done afterwards, is not our Commission, who came here only to maintain their Expressions in their Vote against your Lordships Amendments.

In a free Conference the Points in question are free-  
ly and fully to be debated; and my Lords, in order to  
their Agreement with the Commons, are to be satisfied  
what is meant, and how far it may extend. You, Gen-  
tlemen, that are the Managers for the House of Com-  
mons, it seems, come with a limited Commission, and  
will not enter into that Consideration which (as our  
Reasons express) hath a great weight with my Lords,  
Whether this Vote of the Commons will not make the  
Monarchy of England, which has always heretofore been  
hereditary, to become Elective. That the Vacancy of  
the Throne will infer such a Consequence, to me ap-  
pears very plain: And I take it from the Argument that  
last Gentleman used for the word *Vacant*, out of the  
Record of Richard the Second's Time, that is cited for  
a Precedent for that word. But as that is the only Pre-  
cedent, yet it is attended with this very Consequence;  
for it being there declared, That the Royal Seat was Va-  
cant, immediately did follow an Election of Henry the  
Fourth, who was not next in the Right Line; did not  
then this Hereditary Monarchy in this Instance become  
Elective? When King Charles the Second died, I would  
fain know, whether in our Law the Throne was Vacant,  
No sure, the next Heir was immediately in the Throne.

E. of Ro-  
chester.

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E. of Clarendon.

And so it is in all Hereditary Successive Governments. Indeed, in *Poland*, when the King dies, there is a Vacancy, because there the Law knows no certain Successor: So that the difference is plain, that where-ever the Monarchy is Hereditary, upon the Ceasing of him in Possession, the Throne is not Vacant; where it is Elective, 'tis Vacant.

I would speak one word to that Record which Mr. S-----s mentioned, and which the Lord that spake hath given a plain Answer unto, by making that difference (which is the great Hinge of the Matter in debate) between Hereditary and Elective Kingdoms. But I have something else to say to that Record.

*First*, It is plain in that Case, King *Richard* the Second had absolutely resigned, renounced, or (call it what you please) *Abdicated* in Writing under his own Hand. What is done then? After that, the Parliament being then sitting, they did not think it sufficient to go upon, because that Writing might be the Effect of Fear, and so, not voluntary: Thereupon they proceed to a formal Deposition upon Articles, and then comes in the Claim of *Henry* the Fourth. After all this, Was not this an Election? He indeed saith, That he was not the next Heir, and claimed it by Descent from *Henry* the Third; yet he that was really the next Heir did not appear, which was the Earl of *March*; so that *Henry* the Fourth claimed it as indubitable Right, being the next Heir that then appeared.

But, Gentlemen, I pray consider what followed upon it; All the Kings that were thus taken in (we say Elected, but the Election was not of God's Approbation) scarce passed any one Year in any of their Reigns, without being disturbed in the Possession. Yet, I say, he himself did not care to owe the Crown to the Election, but claimed it as his Right. And it was a plausible Pretence, and kept Him and his Son (though not without interruption) upon the Throne. But in the Time of his Grandson *Henry* the Sixth, there was an utter Overthrow of all his Title and Possession too: For if you look into the Parliament Roll, in *Edward* IV. the Proceedings against King *Richard* the Second, as well as the rest of the Acts during the Usurpation (as that Record rightly call it) are annull'd, repeall'd, revok'd, reversed, and all the words imaginable used and put in, to set those Proceedings aside as illegal, unjust, and unrighteous.



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righteous. And, pray what was the Reason? That *All* reduceth down the Pedigree of the Royal Line, from *Henry* the Third to *Richard* the Second, who dy'd without Issue, and then *Henry* the Fourth (saith the Act) Usurped; but, That the Earl of *March*, upon the Death of *Richard* the Second, and consequently *Edward* the fourth from him, was undoubted King by Conscience, by Nature, by Custom, and by Law. The Record is to be seen at length, as well as that of *Henry* IV. and being the latter Act, is of more Authority.

And after all this, (I pray consider it well) the Right line is restored, and the Usurpation condemned and revealed.

Besides, Gentlemen, I hope you will take into your Consideration, what will become of the Kingdom of *Scotland* if they should differ from us in this Point, and go another way to work, then will that be a divided Kingdom from ours again. You cannot but remember how much Trouble it always gave our Ancestors, while it continued a divided Kingdom; and if we should go out of the Line, and invert the Succession in any Point at all, I fear you will find a Disagreement there, and then very dangerous Consequences may ensue.

My Lords,

The Proceedings and Expressions of the House of Sir Robert Commons in this Vote are fully warranted by the Pre-Howard. sident that hath been cited, and are such as wherein there has been no Interruption of the Government according to the Constitution. The late King hath, by your Lordships Concession, done all those things, which amount to an Abdication of the Government, and the Throne's being thereby Vacant: And had your Lordships concurred with us, the Kingdom had long ere this been settled, and every Body had peaceably followed their own Business. Nay, had your Lordships been pleased to express your selves clearly, and not had a mind to speak ambiguously of it, we had saved all this Trouble, and been at an end of Disputing.

Truly, my Lords, this Record that hath been mentioned of *Henry* the Fourth, I will not say is not a President of Election, for the Archbishop stood up, and looked round on all sides, and asked the Lords and Commons, Whether they would have him to be King? And they asserted, (as the Words of the Roll are) That He should Reign

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And so it is done at every Coronation to his Claim, they did not so much mind that, for they knew that he claimed by Descent and Inheritance, when there was a known Person that had a Title before him. For, that which a Noble Lord spoke of touching the Publick Acts that have been done since the King left us, I may very well say, we think them legally done; and we do not doubt but that Power which brought in another Line then, upon the Vacancy of the Throne by the Leision of *Richard* the Second, is still, according to the Constitution, residing in the Lords and Commons, and is legally sufficient to supply the Vacancy that now is. That Noble Lord indeed said, That your Lordships might not only, with the Commons, advise the Prince of *Orange* to take upon him the Administration, and join with us in the other things, but that you might have done it of your selves, as being in the Absence of the King, the Great Council of the Nation.

My Lords, I shall not say much to that Point, your Lordships Honours and Privileges are great, and your Council very worthy of all Reverence and Respect. But I would ask this Question of any Noble Lord that is here, Whether, had there been an Heir, to whom the Crown had quietly descended in the Line of Succession, and this Heir certainly known, your Lordships would have assembled without his Calling, or would have either administered the Government your selves, or advised the Prince of *Orange* to have taken it upon him? I doubt you had been (pardon me to say it) all guilty of High Treason, by the Laws of *England*, if a known Successor were in Possession of the Throne, as he must be if the Throne were not Vacant.

From thence, my Lords, your Lordships see where the Difficulty lies in this Matter, and whence it ariseth, because you would not agree the Throne to be Vacant when we know of none that possess it. We know some such thing hath been pretended to as an Heir Male, of which there are different Opinions, and in the mean time, we are without a Government; and, Must we stay till the Truth of the Matter be found out? What shall we do to preserve our Constitution, while we are without a safe or legal Authority to Act under the same?

According to that Constitution; and in a little time it will, perhaps, through the distraction of our Constitution, be utterly irremediable? I do not deny; but that your Lordships have very great Hardships to conflict with in such a Case, but who is the occasion of them? We all do know the Monarchy is Hereditary; but how, or what shall we do to find out the Successor in the Right Line? You think it will be a difficult thing to go upon the Examination who is Heir; perhaps it will be more difficult to Resolve in this Case, than it might be in another: For though heretofore there have been Abdications and Vacancies, it has been where the King has been of the same Religion of the Establish'd Worship of the Nation; and amongst those that pretended to the Succession, the several Claimers have been Persons born and bred up in that Religion that was Establish'd by Law; or it may be there hath been a Child in the Womb at the time of the Vacancy. But, then, my Lords, there would not be much difficulty to examine, Who should Inherit, or what were fit to be done. I confess, I say, there are Difficulties of all sides; or else your Lordships sure would have spoke out before now: And if you had been clear in it your selves, you would have let the Commons and the World have known it. But it not being clear, must we always remain thus? Use what words you will, *Fill up*, or *Nominate*, or *Elect*, it is the thing we are to take care of; and it is high Time it were done.

My Lords,

There is no such Consequence to be drawn from this Vote, as an Intention or a Likelihood of altering the Course of the Government, so as to make it Elective, the Throne hath all along descended, in an Hereditary Succession, the main Constitution hath been preserved. The President of *Henry the Fourth*, is not like that of Elections in other Countries; and I am sorry there should be any occasion for what is necessary to be done now. But when such Difficulties are upon the Nation, that we cannot extricate our selves out of, as to the Lineal Successor, your Lordships, I hope, will give us leave to remember, *Salus populi est Suprema Lex*. And if neither You nor We can do any thing in this Case, We, who are met under the Notion of an Assembly or Conventi-

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1689. on of the States, then have met to no purpose; for after we have Voted our selves to be without a Government, (which looks as if something were really intended as to a Settlement) all presently sinks, and we are as much in the dark as we were before. And, my Lords, I pray give me leave to say one thing more: Your Lordships say, You will never make a President of Election, or take upon you to Alter the Succession. With your Lordships Favour, the Settlement of the Constitution is the main thing we are to look after. If you provide for the Supply of the Defect there, that Point of the Succession will, without all question, in the same Method, and at the same time be surely provided for.

But, my Lords, you will do well to consider; Have not you your selves already limited the very Succession, and cut off some that might have a Line at Right? Have you not concurred with us in our Vote, *That it is inconsistent with our Religion and our Laws to have a Papist to Reign over us?* Must we not come then to an Election, if the next Heir be a Papist? Nay, suppose there were no Protestant Heir at all to be found, would not your Lordships then break the Line? But your Lordships Vote that is so inconsistent, you do suppose a Case of the greatest Consequence that can be, may happen; and if that should happen to be our Case, that the whole Protestant Line should fail, would not that necessitate an Election, or else we must submit to that which were inconsistent with our Religion and our Laws? If your Lordships then, in such a Case, must break through the Succession, I think the Nation has Reason to expect you should take care to supply the present Defect, where the Succession is uncertain.

My Lords,

If this should not be agreed unto, what will be the Consequence? We that used, and justly, to boast of living under the Best of Governments, must be left without any one; for your Lordships, it seems, cannot agree with us to Supply and Fill up this Gap in it, or tell us who is the Successor: And we must not do it our selves by Election; which is the only way left us to provide for our Settlement. Truly, my Lords, upon the whole, I cannot tell what Condition we shall be in, or what we can do further; but we must even part, and break up in Confusion, and so leave the Nation to extricate itself,

lf, as well as it can, out of this Distraction. But 1689.  
 then, at whose Door that will lye, I must leave to your  
 Lordships own Thoughts.

We have indeed passed such a Vote, as that Gentle- E. of Pem-  
 man says, against a *Papish* Prince's Reigning over us, broke.  
 but I should think that amounts to no more than a Reso-  
 lution, that by a Law to be made we will take care of  
 in Parliament: Therefore I think that which we aim  
 at, and that which the Constitution of our Government  
 does require, is to put Things in a legal Method: And,  
 in order to it, I would have the Legal Successor declared  
 and proclaimed, and then a Parliament summoned in  
 that Prince's Name, and the whole Matter settled there:  
 An Act made by a King *de facto* is void as to a King *de*  
*jure*; therefore I would have the Constitution preserved,  
 and would desire, that all that is done in this Matter  
 may be again done in Parliament.

Sir R. H. was pleas'd to say, That by the E. of Clz-  
 same Method that the Throne now shall be Filled, by the same rendon.  
 the Successor should be Declared, and the Right Line Settled:  
 Is not that declaring the Crown to be Elective? Sup-  
 pose you say nothing, but Fill the Throne, Is it not to  
 take away the Right Line of Inheritance? And, Will  
 not such Successor claim it for his Posterity? Truly, I  
 think if the Right Line be Declared in the same way  
 that the Successor is, then we take upon us to dispose of  
 the Inheritance of the Crown absolutely; which, I  
 think, by all the Law I ever read or could hear of a-  
 mong us, is out of our Power; and, that neither House,  
 or both Houses together, have Power to do any thing  
 relating to the Succession, but by Act of Parliament;  
 which the two Houses by themselves cannot make.

I think we are now going too far in this Matter; the Sir R.  
 Question before us is only, Whether there be a Vacancy in Temple.  
 the Throne. After we have done with that, I do not see  
 how this will preclude the Consideration of any Claim  
 to the Succession. Your Lordships say, You are under  
 great Difficulties upon this Subject. But, my Lords, till  
 you have declared the Throne Vacant, I must presume  
 to say, I do not see how it is possible for any of us to  
 make one step towards a Settlement. If there be any  
 Claims to the Crown, that Consideration will be next;  
 and how to come at them, I conceive we are in the same  
 Capacity as our Predecessors were to provide for all Exi-  
 gencies as shall emerge, and for the supplying all Defects  
 in the Government. It

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It is true, by the Acts of Queen Elizabeth and King James the I, we have the Oaths of Supremacy and Allegiance that are to be, and have been taken by all Persons. But, my Lords, there is an old Oath of Fidelity, that useth to be required in Leets, and that by the ancient Law of England every Man ought to take that is fifteen Years of Age; and this was as much obliging to the King, his Heirs and Successors, as any of those latter Oaths are, for they seem only to be made to exclude Foreign Authorities, and not to infer any new Obedience or Subjection; therefore I am only saying, we are in a Natural Capacity as any of our Predecessors were to provide for a Remedy in such Exigencies as this.

I do not intend to trouble your Lordships any farther than the Words of the Vote lead me. If the Throne were Full, what do we do here; nay, how came we hither? I would fain know, whether all that is mentioned in one of our Reasons of the Administration being committed to the Prince, and those other Acts, do not all imply at least that we are in such a Case as *wherein the Throne is Vacant*, otherwise, if it had been Full, I appeal to any one, Whether we could have assembled or acted in any other Name, or by any other Authority, than his that filled it. Then do not all these Things declare, that there is a Vacancy?

My Lords, I have done, having said this, That it is a subsequent Consideration, how the Throne shall be filled, and all the Particulars that relate to it remain entire, after this Resolution taken. But, I think, we are at present to go no further. No Man, I hope, thinks there is a just Ground for any Apprehension of an Intention to change the Government; I am sure there is no Ground for any such Apprehension: So that we have all the Reason in the World to insist, That your Lordships should agree with us, that the Throne is Vacant, or we shall not be able to move one step further towards a Settlement.

Sir Thomas  
was Lec.

My Lords, So much has been said in this Matter already, that very little is to be added. But give me leave to say unto your Lordships, That those Amendments your Lordships have made to the Commons Votes, are not agreeing with your other Votes, nor any of the Acts done since the

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*Abdication.* Had it been in the common ordinary Case of a Vacancy by the King's Death, your Lordships in December last would sure have let us know as much: But it is plain you were sensible we were without a Government, by your desiring the Prince to take the Administration, and to issue out his Letters for this Convention.

But, my Lords, I would ask this Question, Whether upon the Original Contract there were not a Power preserved in the Nation to provide for its self in such Emergencies? That Contract was to settle the Constitution as to the Legislature which a Noble Lord in the beginning spoke of; so we take it to be: And it is true, that it is a part of the Contract, the making of Laws, and that those Laws should oblige all sides when made; but yet so, as not to exclude this Original Constitution in all Governments that commence by Compact, that there should be a Power in the States to make Provision in all Times, and upon all Occasions, for extraordinary Cases and Necessities, such as Ours now is.

I say nothing now as to the Hereditary Succession; our Government has been always taken to be Hereditary, and so declared when there has been occasion to make Provision otherwise than in the direct Line. But our Matter is singly upon a Point of Fact, Whether the Throne be Vacant (as the Commons say it is) by the *Abdication* of King James the Second. The present Vacancy is nearest to that of Richard the Second, of any that we meet with in our Records; and the Phrase being there used, we insist upon it as very proper. And when that is agreed unto, the House will, no doubt, declare their Minds in another Consequential Question that shall arise in a Proper way. But this is all we can speak to now.

To discourse, Whether the Crown of England would by this means become Elective, is altogether unnecessary; and I think your Lordships have given no Reasons that are sufficient to make the Objection out, neither any Answers to the Commons Reasons for their Vote. It seems to me an odd way of Reasoning, first to mistake the Meaning, and then give Reasons against that mistaken Meaning. The Question is only here, Whether we can make good this Proposition, *That the Throne is Vacant by the Abdication of the late King.* I confess, 'tis a melancholy thing to discourse of the Miscarriages of

Sir G.  
Treby.

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Governments, but 'tis much more afflictive to talk of unhinging all the Monarchy by a Breach upon the direct Line of the Succession, as, if the Crown of England did actually descend to *Lewis* the Fourteenth, it would not be in the Power of the States of this Kingdom to dissolve it upon another Head.

A Noble Lord put an Instance of two Men in one Room, one of whom was really such a one: But though a Stander-by could not directly tell which was he, yet it could not be said by him, that such a one was not there. But if you please, I will put this Case: Suppose there were two Men in one Room, that no one alive could tell which was which; as suppose this to be the Case of the two Children of *Edward* the Fourth, that they had been kept close Prisoners by their Uncle *Richard* the Third, so long, that there were no living Witnesses able to tell which was the eldest of the two, that would occasion a Difficulty much as intricate as Ours here. One of them must be eldest, but by reason of the Uncertainty, must not an Election be made of them? And could any thing else do but an Election?

But I say, the proper single Question here is, Whether we have well affirmed upon the Premises that are mentioned in the former Part of the Vote, that he has *Abdicated*, and *That the Throne is thereby Vacant*.

Your Lordships in part agree; for you say, *He has Deserted the Government*; then you say, *He is not in it*. And it is as much as to say, He has left the Kingdom destitute of a Government. Now, if there be any sense in which our Proposition is true, will you deny the whole Proposition, because it may be taken in a sense that is dubious and uncertain, as to the Consequences?

You cannot say the Throne is Full; if then there be a Doubt with you, to be sure it is not like to be evident to us, especially in this Case, considering who your Lordships are. You are the Persons that usually are, or ought to be present at the Delivery of our Queens, and the proper Witnesses to the Birth of our Princes. If then your Lordships had known who was on the Throne, we should certainly have heard his Name from you, and that had been the best Reason against the Vacancy as could have been given.

My Lords,

We say no more than our Ancestors have said before us, as you see by the Parliament-Roll, 1 *Henry IV.* and must maintain the Record to this purpose, that the Government is Vacant, and it is there declared, as it is expressed in our Vote: So that we have not invented or coined a Word for our Turn, neither is the Notion new, it is a Word that has been used before in a Case as near this any can be. But it is objected, that That should be no President, because of what follow'd upon that Vacancy of the Throne. I desire that your Lordships would read the Record. The next thing there, *Henry the Fourth cometh himself, and says, He claims the Crown as descended from Henry the Third, and the Lords and Commons assented.* It is true, the Archbishop did propose him (as was usual at Coronations) and he did there actually ask them, *Whether they did chuse him for their King;* they agreed to it, and the Archbishop makes a Discourse upon the Virtues of a Man to Govern the Nation better than a Child; and then he is placed in the Throne. And this I take to be a proper, plain, applicable President in our Case. But that Noble Lord's Objection strikes at the very Heart of it, if the Objection be rightly made, That all these Proceedings, and so consequently the Words and Phrases here used, are all repealed, 1 *Edw. 4.*

My Lords,

It is very well known, and readily agreed by us, that *Edward the Fourth* came in in disaffirmance of the Title of the House of *Lancaster*. As those Times went, whenever there was any Turn in Government, (as there were several) there were new and contrary Declarations about the Title to the Crown, made constantly in Parliament; and what one Parliament had settled, another undid. But then this Advantage we have on our side, that as we have this first President for us, so we have the last; for I need go no farther than the Parliament Roll of 1 *Henry VII. 12. 16.* where the Record is set right again.

The Act for Deposing *Richard the Second* is indeed by 1 *Edward IV.* Repealed, and saith, That *Henry the Fourth* usurped the Crown, and murder'd *Richard the Second*; and thereupon it proceeds to Attaint *Henry the Sixth,*



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1689. Sixth. But then comes in *Henry* the Seventh, and 1 *Henry* VII. there is an Act made, that sets aside all the Acts and Attainders made against his Line, and consequently repealed 1 *Edward* IV. which Repealed 1 *Henry* IV. And I would observe one thing by the way concerning *Henry* the Seventh: He was of the Line of *Lancaster*, and when he came to the Crown, would not endure to have his Crown reckoned only Matrimonial, or suffer the Stile to go in the Names of *Henry* and *Elizabeth*, as he must have done if he had stuck to the Title of the Right Line of Succession: No, he always stood up for his own Title, tho he had the Heiress of the House of *York* in his Bosom. Therefore, my Lords, his Act for restoring the Record of 1 *Henry* IV. again, is as good an Authority as it was before, and somewhat better; for it hath the last Act on its side, which is unrepealed to this day.

E. of Pembroke.

*Henry* the Seventh had a good Right and Title by Marriage to the Crown, *in re Uxoris*. No one can question but his own Title, as descended from *Henry* the Fourth, was an Usurpation; and he would not suffer any one to prescribe which Title was best, as long as it was acknowledg'd he had one good one. That this Kingdom is Hereditary we are not to prove by President in the List of our Kings and Queens; for we shall scarce find above three in any direct Line, without some interruption; and therefore we are not to fetch our Presidents or Proofs so far as those days. And this I speak for the Reason which was hinted before. The Laws made are certainly part of the Original Contract; and by the Laws made, which establish the Oath of Allegiance and Supremacy, we are ty'd up to keep in the Hereditary Line, being sworn to be true and faithful to the King, his Heirs and Successors; whereas the old Oath was, only to bear true Allegiance to the King. There (I take it) lies the Reason why we cannot (of ourselves) without breaking that Contract, break the Succession, which is settled by Law, and cannot be altered but by another, which we our selves cannot make.

Sir G. Treby.

Your Lordship is pleased to say *Henry* the Seventh's Title by Descent was an Usurpation. I think it is pretty hard to determine what Title he did Govern by, since though his Wife was the Lineal Heir, yet she had no part, or so much as a Name in the Administration. And if it were too great an Issue to be try'd then, it will be harder



rather to do it now. And it has been said, It was his Mother's Counsel to him, not to declare particularly upon what Foot his Title stood. But, my Lords, if we should allow none for Acts of Parliament, but those that were made in the Reigns of Hereditary Kings, and in the Right Line, I doubt we should want the greatest part of those Laws that compose the Volume of Statute-books, and the Records by which we enjoy a great part of our Inheritances and Possessions.

If we look but into a Law of Nature (that is above all Human Laws) we have enough to justify us in what we are now a doing, to provide for our Selves and the Publick Weal in such an Exigency as this. Sergeant Maynard.

If Laws made about the Succession be so obliging, Sir R. what then shall we say to the Succession of Queen Elizabeth, who had an Act of Parliament (to the keeping of which an Oath was required) against both her and her Sister. Sir R. Temple.

But to shew what Opinion she her self and the wise Men of her Times had, and were of, in this Point, there is an Act, made in her Reign, and yet in being, which declares it to be a *Præmunire* to affirm, The Parliament cannot settle the Succession of the Crown, or alter it: Entails in Parliament have been of the Crown, both Ancient and Modern, yet the Authority of another subsequent Act has prevail'd against such an Entail: So that it should be done, I say, in Parliament. E. of Pembroke.

I think we are in as full a Capacity to take Care of the Government as any of our Predecessors, in such an Exigency; and if we do as they have done before us, that is, not to be called a changing of the Monarchy from Hereditary to an Elective. Sir R. Temple.

After this long Debate, pray let us endeavour to come as near as we can to an Agreement: We have proposed some Questions, about which my Lords desired to be satisfied; You, Gentlemen, have not been pleased to give an Answer to them, and we have no great Hopes of getting one from you, as this Debate seems to be managed. On your part, you have declared, That you do acknowledge the Monarchy is Hereditary and Successive in the Right Line; then I cannot see how such an Acknowledgment consists with the Reasons you give for your Vacancy; for I cannot imagine how a Kingdom can be an Hereditary Kingdom, and that King who hath Children now in being (at the time of his forsaking the

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1689. Government) can have the Throne Vacant both of him and his Children. The Course of Inheritance, as to the Crown of *England*, is, by our Law, a great deal better provided for, and runs stronger in the Right Line of Birth than of any other Inheritance. No Attainder of the Heir of the Crown will bar the Succession to the Throne, if it doth the Descent to any common Person. The very Descent, by Order of Birth, will take away any such Defect. And so was the Opinion of the great Lawyers of *England*, in the Case of *Henry the Seventh*. This cannot I apprehend how any Act of the Father's can bar the Right of the Child; (I do not mean that an Act of Parliament cannot do it) I never said so, nor thought so, but I say, no Act of the Father's alone can do it, since even the Act of the Son, which may endanger an Attainder in him, cannot do it, so careful is the Law of the Royal Line of Succession. This is declared by many Acts of Parliament, and very fully and particularly by that Statute, 25 *Henry the Eighth*, Cap. 22. entitled, *An Act concerning the King's Succession*; where the Succession of the Crown is limited to the King's Issue Male first, then Female, and the Heirs of their Bodies one after another, by Course of Inheritance, according to their Ages, as the Crown of *England* hath been accustomed and ought to go in such Cases. If then the King hath done any thing to divest himself of his own Right, it doth not follow thence, that That shall exclude the Right of his Issue; and then the Throne is not Vacant, as long as there are any such Issue; for an Act of the Father can Vacant for himself and Children.

Therefore if you mean no more than but the divesting his own Right, I desired you would declare so: And then suppose the Right gone as to him, yet if it descend to his Lineal Successor, it is not Vacant. And I told you, One Reason my Lords did stand upon against agreeing to the Vacancy, was, because they thought your Vote might extend a great deal further than the King's own Person.

But your all owning it to be a Lineal Inheritance, and this Vacancy, methinks, do not by any means conclude. You declare, you never meant to alter the Constitution: then you must preserve the Succession in its ancient Course: So I did hear a worthy Gentleman conclude it to be your Intention to do. But by what Methods can it be done in this Case by us? I desire to be furnished with a few things about this very Matter.

I desire first to know, Whether the Lords and Commons have Power by themselves to make a binding Act or Law. And then I desire to know, Whether, according to our ancient Legal Constitution, every King of England, by being seated on the Throne, and possessed of the Crown, is not thereby King, to Him and his Heirs. And without an Act of Parliament, (which we alone cannot make) I know not what Determination we can make of his Estate.

It has been urged indeed, That we have in effect already agreed to what is contain'd in this Vote, by Voting, That it is inconsistent with our Religion and Laws to have a *Popish Prince* to Rule over us. But I would still know, Whether they that urge this, think that the Crown of *Spain* is Legally and Actually excluded from the Succession by this Vote. No Man sure will undertake to tell me, That Vote of either House, or both Houses, together, can Alter the Law in this or any other point. But because I am very desirous that this Vote should have its Effect, I desire that every Thing of this Nature should be done in the antient usual Method, by Act of Parliament.

GOD forbid that since we are happily deliver'd from the Fears of *Popery* and *Arbitrary Power*, we should assume any such Power to our selves; What Advantage should we then give to those who would quarrel with our Settlement for the Illegality of it? Would not this, which we thus endeavour to crush, break forth into a viper? For the Record of 1 *Henry IV.* I acknowledge the Words of the Royal Seat being Vacant are us'd. But since you your selves tell us of it, That *Henry* the Fourth did claim by Inheritance from his Grandfather, that, methinks, may come up to what I would have the declared Sence of both Houses upon this Question; (to wit) The Throne might be Vacant of *Richard* the Second, but not so Vacant but the Claim of the immediate Successor was to take place, and not be excluded, but entirely preserved. And *Richard* the Second seems to have had the same Opinion, by delivering over his Signet to them.

Our Laws know no *Interregnum*; but upon the Death of the Predecessor the next Heir is King *in uno & eodem instanti*. It was so Resolv'd even in *Richard* the Second's own Case; for at his Grandfather's Death it was a Question, Whether King *Richard* the Second, or the eldest



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Son of his Grandfather, then living, should succeed; and it was Resolved, That he ought to have it, because of his Right of Inheritance; which is the more remarkable, because of the Contest. And when *Richard* the Third usurped his Crown, to make his Claim good to the Right of Inheritance, he Bastardized his own Nephews. And so it was in all the Instances of the Breaches that were made upon the Line of Succession, which were some Seven; (but all Illegal) for such was the Force of the Laws, that the Usurpers would not take the Crown upon them, unless they had some specious Pretence of an Hereditary Title to it.

That which I would have avoided by all means, is the mischievous Consequences that I fear will ensue upon this Vacancy of the Throne, (to wit) the utter Overthrow of the whole Constitution of our Government. For if it be so, and the Lords and Commons only remain as part of it, Will not this make the King one of the Three Estates? Then is he the Head of the Commonwealth, all united in one Body under him? And if the Head be taken away, and the Throne Vacant, by what Laws or Constitutions is it that we retain Lords and Commons? For they are knit together in their common Head; and if one part of the Government be dissolved, I see not any Reason but that all must be dissolved. Therefore 'tis of very great Importance that we come to an Explanation, how far you mean the Throne to be Vacant; and that if it reach to the King and his Heirs, (notwithstanding all the Acts of Parliament about the Succession) we may consider how the Consequences of that will affect the Constitution; for, I presume to say, it may then be in your Power as well as to say, we shall have no King at all.

I was mistaken by the Gentlemen who took notice of what I said the Lords might do of themselves, in the Absence of the King: I would not be understood to say, the Government devolved upon the Lords: but I may say they are the Government's great Council in the Interval of Parliaments, and may have greater Sway by the Privilege of their *Birth*, in the Exigencies of the State: As appears in several Instances, and particularly the first of *Henry* the Sixth, and during his Infancy. There was a Case put by one Gentleman, about the two Sons of *Edward* the Fourth, being kept Prisoners so long, till it could not be known by any living Witnesses which

was the eldest: I would only ask that Gentleman, Whether in that Case he would say the Throne were Vacant; certainly there would have been One in the Throne. But then it followeth, that though there should be an Uncertainty of the particular Person, yet that would not infer a Necessity that the Throne should be Vacant. Upon the whole Matter, you seem to understand your own words to signify less than they do really import.

I do not find that you purpose to make the Kingdom Elective; and yet you talk of supplying the Vacancy by the Lords and Commons. You do not say, That the King has left the Crown for Himself and his Heirs; and yet your words speak of a Vacancy, and nothing of the Succession; but you do not tell us what you mean. Therefore, if this Matter were explained, that my Lords may know how far the Intention of the Vote reacheth, that it may not abroad, or hereafter, be construed to go beyond such Meaning, (that is) as to the King himself, and not to his Heirs, perhaps there might quickly be a happier Accommodation that can be expected while things remain thus, still in doubt, and in the dark.

Gentlemen,

If any of you can settle this Matter in its true Light, it would do very well, and it is You must do it; for the Words are Yours, and so we must be told your Signification and Intention by your selves. If you mean by *Abdication* and *Vacancy* only that the King has *left the Government*, and it is devolved upon the next Successor, that may perhaps satisfy my Lords, and we may agree upon some Settlement.

I must confess, any Government is better than none; but I earnestly desire we may enjoy our ancient Constitution. Therefore I again renew my Request, That you would come to such an Explanation as may breed an Union between the two Houses, for the strength of your Consultation and Resolutions in this great Emergency.

If the Kingdom were indeed Elective, we were in a Capacity of Electing, but *pro hac Vice*, according to the Constitution, this Question would be greater than what it was before; but then the great Debate in it would only be, Who should first have the Honour of Laying the very Foundation of the New Government. But as this Case stands upon the Foot of our ancient Laws, and fundamental Constitution, I humbly beseech you to con-

1689. sider, Whether at the same time that in this way you get an Establish'd Government, you do not overturn all our Legal Foundations.

Mr. P. Foley. I hope, my Lords, there is no danger of shaking our Fundamentals in this Case; but we are pursuing those Methods that agree with our Laws and Constitution: For though the Monarchy of this Nation be Hereditary in the ordinary Course of Succession, yet there may fall out a Case wherein that cannot be comply'd with, and a plain Vacancy may ensue. For, put the case the whole Royal Line should fail, (as they are all Mortal as well as we our selves are) should we in that case have no Government at all? And, who then should we have but the Lords and Commons? And I think that Case comes nearest to the Case in question, where the Successor is not known; for if he had been, we should have heard of him before now. And, what is the reason that it should then in the former Case devolve to Lords and Commons, but that there is no King? And they being the Representative Body of the Kingdom, are the only remaining apparent Parts of the Government, and are only to supply the Defect by providing a Successor. And, is there not the same Reason here? We are without a King, I am sure I do not know of any that we have: If that fall out to be the Case now, that will infer a Vacancy with a witness; and it will be of necessity that the Lords and Commons take care to supply it.

My Lords,

Mr. G---- We are led, and, I think, out of the Way, into a very large Field, hunting after the Consequences of a Vote not yet settled or agreed unto: We have, as I conceive, nothing but the Vote it self to consider of, or debate upon: We do not intend to prejudice any Legal Right: But what the Consequences of this Vote may be, before the Vote it self be passed, I believe no Man can reasonably pretend to ascertain, unless he have the Spirit of Prophecy. The Throne may be Vacant as to the Possession, without the Exclusion of one that has a Right to the Succession, or a Dissolution of the Government in the Constitution; neither will there be room for the Objection of a King, *de facto*, and not *de jure*, which some of the Lords were pleased to express their Fears of.



This Gentleman that stands by me instanced in a Record, and that was mistaken, as a President for the proceeding in this Case; it was only mentioned by him to shew, that by using the word *Vacant* the Commons did no more than our Ancestors did before us; and therefore it was not an unknown word or thing to have the Throne *Vacant*. We do apprehend we have made a right and apt Conclusion from the Premises, for otherwise all the Vote is but Historical. We declare the Late King hath broke the Original Contract, hath violated the Fundamental Laws, and hath withdrawn himself out of the Kingdom, that he hath *Abdicated*, actually Renounced the Government. What occasion was there for such a Declaration as this, if nothing were concluded from it? That were only to give the Kingdom a Compendious History of those Miseries they have too well learnt by feeling them. Therefore there was a necessity to make some Conclusion; and none so natural as this, That we are left without a King in the words of the Vote; that the Throne is thereby *Vacant*, which it may be as to the Possession, and yet the Right of Succession no way prejudiced.

But, my Lords, we come here, by the Commands of the House of Commons, to debate the Reasons of their Vote and your Lordships Amendments, not to dispute what will be the Consequences, which is not at present our Province.

And so the Conference ended, and the Members of each House returned to their respective Houses.

Next day, viz. *February* the 7th, a Message came from Lords to the Lords to the Commons, to tell them that their Lordships had agreed to their Vote without any Alterations, the Abdication, and the Consequence of this was the Inthroning of their late Majesties, King *William* and Queen *Mary*.

Now it is time to return something nearer to the late King's Person, who (as you heard before) resided at *St. Germians*, to whom the Earl of *Tyrconnel*, who was very zealous in *Ireland* for his Majesties Interest, sent Baron *Rice*, and the Lord *Montjoy*, who sometime before was sent for, by the Earl out of the *North*, in order to perswade him for the Embassy, to which at first he shewed no great Inclination, alledging it would be more effectual to send a Roman Catholick, but at last my Lord

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consented, having first these four following Concessions granted him, in behalf of the Protestants by *Tyrconnell*. *First*, That no more New Commissions should be given out or new Men raised. *Secondly*, That no more of the Army should be sent into the North. *Thirdly*, That none should be questioned for what had passed. *Fourthly*, That no private House should be Garrisoned or Disturbed with Soldiers. My Lord, and the Baron's Instructions were to represent to the late King the Weakness of the Kingdom, and the necessity to yield to the Time, and wait a better Opportunity to serve himself of his Irish Subjects. But no sooner had they set out from *Dublin*, which was about the 10 of *January*; but the Lord Deputy, contrary to the mentioned Concessions, began to augment the Army, and call in the Protestants Arms, some by Proclamation, some by Force and Compulsion, and there was near 3000 Fire Arms, besides Swords, Bagonets, and Pikes, got from the City of *Dublin*; which was thus transacted; he caused all the Streets and Lanes in the City to be filled with Foot and Horse, then having by Officers commanded the Citizens to deliver up their Arms, they were immediately obliged to comply, lest they should be Murthered. The Lord *Tyrconnell* was not satisfied with this, but had an Order drawn for him to Sign, wherein it was declared, That all the Protestants with whom any Arms were found, should be given up to the Mercy of the Soldiers: But to prevent the Execution of such an unreasonable Declaration, the Bishop of *Meath* laid before his Excellency (*viz.* *Tyrconnell*) the following Considerations.

Bishop of  
*Meath's*  
Proposals  
to the E.  
of *Tyrconnell*.

**W**Hereas your Excellency hath Ordered by your Declaration, that a Search shall be made in every House in *Dublin*, for Arms and Ammunition; and that, in case any should be found upon Search, that the Persons with whom they are found, shall be left to the Mercy of the Soldiers: This Penalty is thought unreasonable on the following Accounts.

*First*, Because it is not determined by the Declaration, who shall be Searchers: For if the Matter be managed as hitherto it hath been, every one who pretends to be a Soldier, must have Liberty to Search, and in such Numbers, and as often as they please, no House can be safe; for that some have been already searched by six Companies one after another, and that in the same day. And

and if any of these should pretend to find a Pistol, or  
 Agonet, or Horn of Powder, tho he brought it out of  
 his Pocket, with a design to draw an Inconveniency to  
 the House; yet by the Declaration, the House and all  
 that is in it, must be left to the Mercy of the Soldiers;  
 and by this means, the Innocent may suffer as well as  
 the Guilty.

*Secondly*, That if the Soldiers be permitted to search,  
 there will be so much Damage by it to this City, that  
 this Age cannot repair it: For by this Means every place  
 that is capable of concealing Arms, must be left to their  
 Discretion; the Boards will be ripp'd up, partition  
 Walls broken down, Wainscot taken away, Cellars digg-  
 ed up, the Foundations of Houses endangered, Barrels  
 of Beer open'd, Provocations offer'd and receiv'd, the  
 safety of the People in apparent hazard, many things  
 taken away without hopes of Restitution; the Looms of  
 Tradesmen, and the Instruments of Artificers destroy'd,  
 and his Majesty's Interest disserved after all by the Sol-  
 diers, endeavouring rather to serve their own Ends,  
 than his Majesty's true Interest.

*Thirdly*, In many Houses there are several Families,  
 Lodgers and Servants of several sorts, and if any of these,  
 either out of Malice or Folly, or good Will to their  
 Masters, conceal any Arms, tho never so inconsiderable,  
 all the rest, though innocent, must suffer for it; which  
 is against Equity and Justice; that requires every Man to  
 suffer only for his own Fault, and not for the Fault of  
 others.

*Fourthly*, Many have had Lodgers in their Houses for  
 several Years, whose Trunks and Papers are still there,  
 and possibly Arms may be in them, which the House-  
 keeper knows nothing of. It is therefore unreasonable,  
 That either the Owners of such Goods being absent, or  
 the Masters of the House that know nothing of it, should  
 suffer for what they cannot help. By this means Papers  
 may miscarry, and the Estates of Men be Ruin'd and  
 Undone.

*Fifthly*, Many Landlords, Owners of Houses, are ei-  
 ther gone for *England*, or absent elsewhere, about their  
 lawful Occasions, and their Servants may either not  
 know where their Arms are, or foolishly endeavour to  
 conceal them, and so expose their innocent Masters to  
 Ruin.

*Sixthly*,



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*Sixthly*, The leaving Persons to the Mercy of the Soldiers, is a Punishment so unknown to our Laws, and so strange to these Kingdoms, that the Execution of it will be a great Prejudice to his Majesty's Affairs, and alienate the Hearts of his Subjects more from him, and do him (whose Presence they expect) more mischief than the Arms can do him good. It is an ill President, and may in time destroy the whole Kingdom, and subvert the Law.

It is therefore humbly proposed, that in case your Excellency be not satisfied with the Returns already made, but you will go on with the Search; that your Excellency would graciously condescend to these Experiments, for the better Ease and Quiet of his Majesty's Subjects.

*First*, That whereas each Parish is divided into several Wards, that your Excellency would order the Search to be made by the Deputy Alderman of each Ward, with the Assistance of one or more Military Officers, as your Excellency shall think fit, and not by the Soldiers: For by this means, what Arms are found, will be secured for his Majesty's Use, and the Subject freed from the Fears of Plunder and Ruin.

*The Search intended is so provided for, to be by an Alderman and an Officer.*

*Secondly*, That no Man be responsible for more than his own Goods, nor the Punishment inflicted on any but the Guilty.

*His Excellency consents to this.*

*Thirdly*, That regard be had to the Goods and Papers of all Persons that be Absent, and who by reason of their Absence before the Declaration was Published, cannot be presumed to be Violators of it.

*His Excellency consents to this.*

*Fourthly*, That a Declaration be Published to this purpose, for informing the People of your Excellency's Intentions, which will contribute much to the Allaying of their Fears, and the quiet of their Minds.

*His Excellency allows the Bishop of Meath to declare this to all Persons.*

*Fifthly*, That whereas your Excellency did by your Declaration, order all Arms to be returned into the Parish-Churches, and yet in some Parish-Churches there were no Officers appointed to receive them; That your Excellency would by a new Proclamation, order such

Arms

arms as have not yet been delivered, for want of such officers to receive them, be received by such as your Excellency shall think fit to appoint.

An Account of this to be given to the People, by themselves or Church-Wardens, or Clerks; as also publick Notice to the Church to morrow Morning.

The Return to be made to the Clergy by the Inhabitants, and the Clergy to the Bishop of Meath.

That his Excellency doth not intend to bind himself from searching for Arms in the City of Dublin by the late Declaration, because it was Published before its time, and without his Order, in case a more due Return of Arms be not made, than he hath hitherto received.

But to return to the Messengers sent to France to the late King, my Lord Montjoy was seized upon, and put into the Bastile there; for what Reasons I know not, unless that he was thought to have too much regard to the Protestant Interest, which made some of K. James's Court to be jealous. Therefore the late King having been assisted by the King of France with Money, and Forces, took Shipping and sailed for Ireland, and safely landed at King'sale on the 12th of March, where he was received, for want of Bells, with the loud Shouts and K. James's Acclamations of the Townsmen. The King next day went with his Retinue (that were by this time considerably augmented) for Cork, and before he went from that Place, the French Fleet, consisting of 22 Sail, that came along with the King, had Orders to return for Brest. And here it is not improper to give the Reader a List of the most principal Men that came with him from France; who were the following Persons.

### A List

A List of all the Men of Note that came with King JAMES out of France, or that followed him after; so far as could be Collected.

A List of  
K. James  
his Fol-  
lowers in-  
to Ireland.

THE Duke of Berwick.  
Mr. Fitz-James, Grand  
Prior.  
Duke Pomis.  
Count d'Avaux, Amba-  
sador from France.  
Lord Dover.  
Lord Henry Howard.  
Lord Thomas Howard.  
Lord Drummond.  
Marquess d'Estrades.  
Earl of Melfort.  
Lord Seaforth.  
Bishop of Chester, who di-  
ed here, and is buried  
in Christ-Church.  
—Gourdon, Bishop of Gal-  
way.  
—Hamilton, Dean of  
Glasgow.  
Sir Edward Herbert.  
Sir John Sparrow.  
Colonel Porter.  
Mr. Pedle.  
Monsieur Pontee, Enginier.  
Captain Stafford.  
Captain Trevanyon, Sea  
Captain.  
Sir Roger Strickland, ditto.  
Captain Arundel, ditto.  
Colonel Saxsfield.  
Col. Anthony Hamilton.  
Col. John Hamilton.  
Col. Symon Lutterel.  
Col. Henry Lutterel.  
Col. Ramsey, kill'd at Derry.  
Lord Abercorne.

Col. Dorrington.  
Major Thomas Arbur.  
Lord Dungan.  
Captain Mac Donnel.  
Captain.  
Sir William Jennings.  
Col. Sotherland.  
Sir Henry Bond, Receiver  
General.  
Mr. Collins, Com. of the  
Revenue.  
Col. Cliford.  
Col. Parker.  
Marshal de Rosne.  
Lieut. Gen. Mamee, kill-  
ed at Derry.  
Lieut. Gen. Pusignan, kill-  
ed also.  
Major General Leary.  
Lord Trendraught.  
Lord Buchan.  
Major John Gourdon.  
Lieut. Col. John Skelton.  
Major John Ennis.  
Major William Douglas.  
Lieut. Col. Hungate.  
Major Will. Connock.  
Sir Charles Carney.  
Lieut. Col. Alex. Ad-  
kenzy.  
Major James Fountane.  
Major Teig Regan.  
Lieut. Col. Edward Scott.  
Major Frayne.  
Major Symon O'Hogherne.  
Lieut. Col. Bynns.  
Col. James Purcel.

Lieut.



Lieut. Col. George Traps.

Major Robert Ingram.

Major Edm. Pendergast.

Major John Gifford.

Lord Hansdon, Col.

Lieut. Col. Francis Leonard.

Col. Alex. Cannon, went for Scotland.

Major Edmond Bourk.

Major Demsy.

Major Frederick Cunningham.

Col. Robert Fielding.

Major Richard Hüllerden.

Major Boepry.

Monsieur Boisleau, made Governour of Cork.

His Brother St. Martin, Commissary of the Artillery, killed at Cromp-Castle.

Sir Edward Vaudrey.

Sir Ch. Murray.

Sir Robert Parker.

#### Chaplains, viz.

Father Nich. Dunbar.

Father Dan. Mac A-liffe.

Anthony Mac Gwyre.

Nicholas Trapps.

John Madden.

Austin Mathews.

Laurence Moore.

Father Edmond Reily.

John Gravell.

John Hologhan.

Father Richard Peñee.

Patr. Agby.

Darby Daley.

Thady Croley.

Daniel Mac Carry.

#### Chirurgeons, viz.

John Brunton.

Teedy Regan.

For Baptista Monlebeck.

Charles Stapleton.

John James Aremore.

John Cassel.

Edmond Tully.

Nich. Reynard.

#### Captains.

William Chartres.

William Oliphans.

Robert Chartres.

Peter Blare.

Thomas Brown.

Francis Greighton.

James Buchan.

Alexander Gourdon.

George Lattin.

Sir Alphonso Moiclo.

John Baptista du Moll.

John Mollins.

John Wynnel.

John Fortescue.

Robert London.

George Roberts.

Thomas Scott.

James Fitz-Symons.

William Gibbons.

William Delaval.

Man. Flynn.

Richard Scott.

Connor O-Toghill.

Anthony Ryan.

Rupert Napier.

Terence O-Brian.

Edm. Kendelan.

Henry Crofton.

Richard Anthony.

Edm. Nagent.

John Plunket.

John

1689. *John Dungan.*  
*Rowland Smith.*  
*Gawen Talbot.*  
*Symon Barnevel.*  
*John Brader.*  
*John Caomagh.*  
*Edm. Stack.*  
*Walter Hastings.*  
*Edm. Widdridgion.*  
*Samuel Arnold.*  
*Robert Welsh.*  
*David Rock.*  
*Charles Boosh.*  
 ——— *Jornoe.*  
*Robert Feilding.*  
*Francis Gyles.*  
*John Barnaby.*  
*Anthony Power.*  
*John Chapel.*  
*Rowland Wafon.*  
*Thomas Arundel.*  
*Robert Hacker.*  
*Sir William Wallis.*  
*Richard Burton.*  
*Cornelius Mac Mahon.*  
*Talbot Lassels.*  
*Richard Bucker.*

*Charles Fox.*  
*Anthony Fane.*  
*Strickland Tyrwhitt.*  
*John Alanback.*  
*Francis Callange.*  
*John Ludamenco.*  
*Fran. Lappanfe.*  
*Bernardo Busket.*  
*Joseph Pammet.*  
*Capt. Milho.*  
*Geo. Coney.*  
*Chevalier Devatory.*  
*Sir Samuel Foxon.*  
*John Power.*  
*John Banner.*  
*Henry Nugent.*  
*William Mackemoff.*  
*Charles O-Daniel.*  
*Arthur Dillon.*  
*Lord Britas.*  
*Allen Bellingham.*  
*John Brown.*  
*Thomas Carleton.*  
*Robert Nugent.*  
*Capt. Pagez.*  
*Capt. Durass.*  
*Nich. Kennish.*

The King had brought also with him from France, a considerable quantity of Powder, Ball and Lead, and Arms, according to Computation for 15000 Men, besides about 12000 l. Sterling, with a Promise (as was reported) of four times as much from the French King, it was well employ'd.

**K. James** The Earl of Tyrconnel having had Notice of the King's his Entry Arrival, hastned to meet and conduct him for Dublin into Dub- where, having set out from Cork on the 20th of the said Month, he arrived on the 24th, at Noon. At his Entry, all the Soldiers were placed from St. James's Gate to the Castle Gate, all along on both sides of the Streets, which were purposely strewd with fresh Gravel. At his first Entrance into the Liberty of the City, there was a Stage built, covered with Tapistry, where two played on Welsh Harpes, and underneath a great Number of Fryars with a large Cross, singing, and there were

were about 40 Maids, (or such as passed for Maids) all in white, danced all the way before him towards the Castle, and as they advanced they strewed the Streets with Flowers: The rich Citizens, to shew their Joy on this Occasion, hung their Balconies with Tapistry and Cloth of Arras, but the poor that had Balconies, and had not such costly Hangings, some were content to sew together the Coverings of Turkey-work Chairs, and hang them out, while others made use of Blandie-Cloth Blankets for the same purpose. He was met at the Limits of the Freedom by the Lord Mayor, Aldermen, and Common-Council, Master, Wardens, and Brethren of several Corporations, together with the King and Herald at Arms, Pursevants, and Servants of the Household. Here his Majesty received the Sword of State which he gave to the Earl of Tyrconnel, to carry before him through the City and at the Delivery of the Keys of the City, Counsellor Dillon (who that Morning was sworn Recorder, in the room of Counsellor Barnet) made a speech to the King, setting forth the unexpressible Joy of that City, to have the Honour to attend him and welcome him into their City, whereby an Opportunity was put into their Hands to testify to the World their untainted Loyalty, &c. From hence he set forwards towards the Castle, preceded by 5 or 6 Coaches with 6 Horses each, 2 Callashes, 4 or 5 Carts, and one close Wagon attended by 5 or 6 French Troopers; next to these followed about 700 of the young Fellows of the Town that went out to meet him. Now came Major Barker (the Major of the Royal Regiment) bare-headed, giving Orders for the Soldiers to keep clear the middle of the Streets, and stand with their Musquets shouldered; then 29 Horsemen bare-headed, and before Mr. Fitz-James, who rid alone in one of the Earl of Tyrconnel's Coaches with 6 Horses, next to him came three Officers of the Guards on Horseback, attended by 3 lead Horses; after these marched 15 or 16 Officers of the Army, closely followed by the 5 Trumpets and Kettle Drums of State, in their Liveries; next to these advanced 20 of the Gentlemen at large on Horseback, who were followed by the Messengers and Pursevants of the Household; after them came the Herald and King at Arms; and now came the Earl of Tyrconnel, carrying the Sword of State before the King, who rid on Horseback, having a George hung over his Shoulder with a blue Ribbon; he was attended



1689. tended on the left Hand by the Duke of *Berwick*, and the Lord *Granard*, and on the right by the Lords *Pembroke* and *Melfort*, having their Hats on. The King's Person was closely followed by a Troop of Dragoons, several Gentlemen and Officers, 2 Troops of Horse, and many Attendants, which were followed by 6 Lords Coaches with 6 Horses each. Now comes Judge *Keating* in his Scarlet Dress, followed by 3 other Gentlemen's Coaches empty, with 6 Horses each, and next 3 Coaches more with 2 Horses each; and last of all, the Mob with loud Acclamations and Shouts completed the Train.

The King thus attended marched forward; the Pipes of the several Companies played the Tune of, *The King shall enjoy his own again*; and the People shouting and crying *God save the King*: And being come in this order to the Castle, his Majesty alighting off his Horse, was met at the Gate by the Host, overshadowed with a Canopy borne up by four Roman Bishops, accompanied with a numerous Train of Friars singing, and other Clergy of the same Persuasion; and here the Titular Primate, with the Triple Crown upon his Head, representing the Pope attended among the rest; at the sight of which Representation, his Majesty out of his Zeal, and according to their Popish manner, fell down on his Knees, and repeated some Prayers, as is usual upon the Appearance of such Representatives. From hence the King was conducted into the Chappel there, built by *Tyrconnel*, where *Te Deum* was sung for his happy Arrival; then he retired to an Apartment prepared in a new House built in the said Castle, where he dined that day.

**K. James** The next Morning the King having called a Council  
issues out turned out the Earl of *Granard*, Chairman; Judge *Keating*, &c. and in their rooms placed *M. d'Avaux*, the Bishop of *Chester*, and Lieutenant Colonel *Dorrington*. Here  
divers Proclamations. five several Proclamations were Published by the King's Order; one requiring all his Subjects of that Kingdom, that had lately left the same, upon any Pretence whatsoever, to return home, with Assurance of his Protection, and requiring all his Subjects, of what Degree or Persuasion soever, to join with him against the Prince of *Orange*. A second commended all his Roman Catholic Subjects for their Vigilancy and Care in Arming themselves; yet whereas it had encouraged some certain Robberies, it required all but such as were actually under Command and Pay in the Army, to lay up their Arms

in their several Abodes. A third, invited the Country to carry Provision to his Army in the North; requiring all Officers and Soldiers not to take any from them, but that they made good pay for. A fourth, for raising such Monies as passed there, viz. a Guinea to 24 s. an English Shilling to 13 d. a Ducatoon, which was 6 s. 6 s. 3 d. a Cob of 4 s. 9 d. to 5 s. a Cob of 4 s. 6 d. 4 s. 9 d. a French Lewis of Gold to 19 s. and all others proportionable. The fifth was for the Parliament to meet at *Dublin* the 7th of *May*, for regulating Matters Ecclesiastical. At this time the King constituted *Dorington* Colonel of the Royal Regiment, in the room of the Duke of *Ormond*, and created the Earl of *Tyrconnel* Duke of *Tyrconnel*. Then at the Head of an Army he marched towards *Londonderry*, in order to reduce it to his Obedience.

Having brought the King thus far into this Kingdom, before we enter upon further Particulars acted here, it will not be improper to take a View of the Affairs of *Scotland*, and give the Reader a short Narrative of the Transactions of that Kingdom, in favour of this Prince; and to look a little back, we find, that upon the Revolution in *England*, and King *James's* Abdication, a Convention met in *Scotland*, to whom he directed the following Letter, requiring them to stand by him and own his Authority.

*My Lords and Gentlemen,*

Whereas We have been informed, That you the Peers and Representatives of the Shires and Boroughs of that Our Ancient Kingdom, who are to meet together at Our good Town of *Edenburgh*, some time in this Instant *March*, by the usurp'd Authority of the Prince of *Orange*, We think fit to let you know, That as We have at all Times rely'd upon the Faithfulness and Affection of You our Ancient People, so much, that in Our greatest Misfortunes heretofore, We had Recourse to Your Assistance, and that with good Success to Our Affairs: So now again We require of You to support our Royal Interest, expecting from You what becomes Faithful and Loyal Subjects, Generous and Honest Men, that will neither suffer your selves to be cajoll'd nor frighted into any Action misbecoming true-hearted *Scotch-men*. And that to support the Honour of the Nation, You will

K. James  
his Letter  
to the  
Scotch  
Convention.

U

contemn

1689. “contemn the base Examples of Disloyal Men, and  
 “Eternize your Names by a Loyalty suitable to the ma-  
 “ny Professions You have made to Us; in doing  
 “whereof, You will chuse the safest Part; since there-  
 “by You will evite the Danger You must needs under-  
 “go; the Infamy and Disgrace You must bring upon  
 “your selves in this World, and the Condemnation  
 “due to the Rebellious in the next; and You will  
 “likewise have the Opportunity to secure to your selves  
 “and your Posterity, the Gracious Promises which We  
 “have so often made of securing your Religion, Law  
 “Properties, and Rights, which We are still resolved  
 “to perform, as soon as it is possible for Us to meet  
 “You safely in a Parliament of Our Ancient Kingdom  
 “In the mean time, fear not to declare for Us your  
 “lawful Sovereign, who will not fail on Our part, to  
 “give You such speedy and powerful Assistance, as  
 “shall not only enable You to defend your selves from  
 “any Foreign Attempt, but put You in a Condition  
 “to assert Our Right against our Enemies, who have  
 “depressed the same by the blackest of Usurpations, the  
 “most unjust as well as most unnatural Attempts, which  
 “the Almighty God may for a time permit, and let  
 “the Wicked prosper, yet then must bring Confusion  
 “upon such Workers of Iniquity. We further let You  
 “know, that we will Pardon all such as shall return  
 “their Duty before the last day of this Month Inche-  
 “five; and that we will Punish with the Rigour of  
 “Our Laws, all such as shall stand in Rebellion against  
 “Us or Our Authority. So not doubting that You  
 “will declare for Us, and suppress whatever may op-  
 “pose Our Interest; and that You will send some of  
 “your Number to Us, with an Account of your Dis-  
 “ingence, and the Posture of Our Affairs; We bid You  
 “heartily farewell.

*Given on Board the St. Michael, March the  
 First, 1688.*

By His Majesty's Command,

MELFORT.

“But they were so far from being influenced by this  
 Letter, that they declared King *William* and Queen *Mary*  
 Sovereigns



sovereigns of their Kingdom, and thereupon put forth a Proclamation, *That none should presume to acknowledge the late King James VII. for their King, neither obey, except, nor assist any Order or Commission that should be granted by him, or any way to Correspond with him, by Writing, &c.* Upon this Declaration of the Convention, the Duke of Gordon (out of Zeal for his late Majesty's Restoration) seized upon the Castle of *Edinburgh*, being the strongest Hold in *Scotland*; but the Townsmen and Others were not less Zealous for King *William*: For notwithstanding the Strength of that Place, and other Advantages the Duke had, yet the Besiegers went so briskly to work, having cut off all Communication from the Castle, that the Duke found himself under an Obligation to Capitulate, and the rather, because by this time Major General *Mackay*, Commanding some Forces from *England*, had arrived in the Kingdom. Now the Duke finding no Hopes of Relief on his part, on the 28th of *June* he surrendered that important Castle to Sir *John Lanier*, upon Articles in behalf of his Men, tho' he Himself had none for his own Person, declaring, *That he had so much Respect for all the Princes of King James the VI. Line, as not to make any Conditions with them for his own particular Interest.* However, Viscount *Dundee* Heading the *Highlanders* in the North, had augmented his Army from 80 Horse, to 600 Foot and 100 Horse, and gave some Hopes of King *James's* Reinthronement. But on the 26th of *July*, Major General *Mackay* marching at the Head of about 4000 Foot, and 40 Troops of Horse and Dragoons, came in the Evening in sight of the Enemy, being near the Plain in the County of *Athol*. The next day about five in the afternoon, a terrible Fight began between the two Armies, which lasted till Night, at which time *Dundee*, like a valiant Captain, charged the Enemy so furiously, that they were forced to Retreat in great haste, but were closely pursued by the *Highlanders*, for a little while, till such time as their Commander *Dundee* exposing himself too far into Danger, was killed by a Musquet-shot, whose Fall put a stop to the Pursuit, and gave Opportunity to *Mackay* and his broken Troops to Retreat that Night to *Sterling*, but the loss of *Dundee* (being an experienced Commander, and the Life of the Party) was look'd upon so unfortunate and fatal by several of his followers, that they put up their Swords and parted peaceably unto their own Homes. But the Earl of *Dum-*

*Edinburgh*  
Castle  
surrendered.

*Dundee*  
Slain.

1689.

ferling, and some other Officers, were not wanting to hazard another Battle; which hapned at St. Johnstown, but it proved to be a total Rout to them; the number of their Slain amounted to near 400 Men, and the Consequence of this Defeat, was the daily Declination of the late King's Interest in that Kingdom; tho' after this several insignificant Parties declared for him, yet their Feats were so inconsiderable this Year, that 'tis not worth our Cognizance now, but we shall see more of their Actions the ensuing one.

Before we will follow the King's Person towards Londonderry, we are to inform the Reader of the Condition of that Place, and how the Protestants came to possess it. Upon the Alarm of the Prince of Orange's Design upon England, Tyrconnel was ordered by the late King to dispatch some Regiments of Foot over for England, to oppose the Prince's Intentions: Tyrconnel, in compliance to the King's Commands, ordered the Regiment of Foot belonging to the Lord Montjoy, then quarter'd at Londonderry, to march up to Dublin, in order for their Embarking for England, and the Government of the Town was left to the chief Citizens till the Earl of Antrim's Regiment could come into the City to be its Garrison. The Earl's Regiment not long after, according to Orders, marched to take Possession of the Town, but at their Appearance before it, the Citizens clapt up the Gates and deny'd them Entrance, declaring their Resolution for the King and their own Preservation. Tyrconnel at the News of this, was said to have burnt his Wig, as an Indication of his Displeasure with the Townsmen's Proceedings; and hereupon my Lord Montjoy, and part of his Regiment that were within in three days of their Arrival at Dublin, were commanded back to force the Citizens to a Compliance to be Garrisoned by the foresaid Regiment. Upon my Lord Montjoy's Appearance before the Town, he found it altogether Impracticable, having but six Companies of his Regiment there, to gain Tyrconnel's Designs by Arms, therefore propos'd to the Citizens, that if they would admit any of the Army to Quarter in that Town, he would disband all the Roman Catholics in the six Companies, and supply their room with Protestants; and Colonel Robert Landy that was my Lord's Lieutenant, should be their Governour. These were the Regulations made at Londonderry, when upon the News of King James's March

March from *Dublin* towards the Place, Mr. *George Walker* 1689.  
 a Minister, who headed the Garrison at *Dungannon*, think-  
 ing it not tenable against so numerous an Army, march-  
 ed for *Londonerry*, where Colonel *Lundy* the Governour, *London-*  
 on the 17th of *April*, apprehensive that the late King's *derry* be-  
 Design was upon that Town, therefore he thought fit sieged.  
 to call a Council to consult what Measures to take. The  
 Council after several Debates agreed, That considering  
 the Exigency of their Affairs, and how likely it was,  
 that the Enemy would in a short time possess themselves  
 of the Place; therefore it was thought most convenient,  
 that the Principal Officers should privately withdraw  
 themselves, as well for their own Preservation, as in  
 hopes that the Inhabitants, by a timely Capitulation,  
 might make Terms the better with the Enemy. In pur-  
 suance to this Resolution, an Instrument was prepared  
 to be subscribed by the Gentlemen of the Council, and  
 to be sent to King *James*, who was by this time ad-  
 vanced as far as *St. John's Town*; but in the *interim*, se-  
 veral Persons considering all Circumstances, began to  
 conceive some Jealousy of their Governour, and protest-  
 ed against the Resolution of the Council; but at the  
 same time, one Captain *White* was sent to the King to  
 receive Proposals of him, and it was agreed with Lieu-  
 tenant General *Hamilton*, His Majesty's Agent in this  
 Business, that the Army should not march within four  
 Miles of the Town.

But opposite to the Agreement, the King upon Inti-  
 mation of the Protestations of some of the Townsmen,  
 against the Proceedings of the Council, on the 18th of  
*April*, advances with a formidable Army before the  
 Walls of the City. Hereupon the Soldiers from within  
 welcomed them with the discharge of some of their  
 Guns upon them, which did not a little disturb their  
 Order, and caused them to retire back to *St. John's*  
*Town*. Now the Governour and his Council began to  
 reflect on the danger they were in, from the Soldiers of  
 the Town, and therefore most of them privately march-  
 ed out of the Town. *Lundy* the Governour departed al-  
 so, and by his means it was, that Colonel *Richards* and  
 Colonel *Cunningham* (who were sent from *England* with  
 two Regiments, and a great deal of Provision and Am-  
 munition, to the Relief of the Town) returned out of  
 the Lough of *Derry*, *re infecta*; for indeed they attempt-  
 ed nothing, for which Cowardliness they were after-



1689. wards both Gathered. Upon the Departure of *Liquid* the Garrison seeing themselves deserted and left without a Governour, yet resolute to maintain the Town to the utmost Extremity, they chose Mr. *Walker* and Major *Baker* to be their Governours during the Siege, the former was intrusted with the Stores, and the latter with the Soldiery. The Governours having Regimented their Men, and finding them to amount to 7020 Soldiers and 341 Officers, as also taken a view of the Stores and Provisions, were resolved to hold the Place to the last Gasps notwithstanding, at the same time, my Lord *Scrabam* was sent to the Town Walls to propose Conditions of Surrendry, offering His Majesty's Pardon, Protection, and Favour. But the King finding the Resolutions of the Besieged unalterable, on the 21st of April, ordered a *Demiculverin* to be placed within 118 Parches of the Town, with which they pleyed the Town incessantly, tho' the Success was not answerable to their Industry, yet the Market-House in the Town was battered miserably. Hereupon the Besieged made a Sally, in which 200 of the Enemy was killed, with some Officers of Note, one of which was the French General *Mamoe*: But the Besiegers Horse coming up, set upon the Salliers with great fury, and obliged them to retreat, killing some of their Number, one whereof was Lieutenant *Mac. P...* *du*, with others of less Note. Now the Besiegers placed four *Demiculverins* at the lower end of an Orchard, and from thence ply'd the Town with great eagerness, and did considerable Execution upon the upper parts of the Houses in the Town, by the Ruins and Falls of which, many People were killed, neither were the Besieged less active to return their Complements from the continual firing of their Cannon, whereby some Officers of esteem were killed, to compensate the Loss they sustained within the Walls; but the incessant firing of the Besiegers, who now began to throw divers Bombs into the Town, obliged the Garrison to make another vigorous Sally, and made some slaughter amongst the Enemy, at a Place called *Peniburnhill*, but the Horse, as before, advancing to sustain their Foot, obliged them to retreat with the loss of two Men, and about eighteen wounded. Hereupon the Assailants proceeded to draw a Trench cross *Windmill-Hill*, from the Bay to the River, for the more commodious Battery of the Walls, which the Desendants were not ignorant of, therefore

Mr. Walker with a Detachment of Select Men, makes a vigorous Sally from *Ferry Gate*, about four a Clock in the Morning, and one part of the Assailants beat the Enemy's Dragoons from the Hedges, add the other possessed themselves of the Trenches, and gained an advantageous Ground and got some Booty: The Besiegers lost in this Action about 200 of their Men, and 500 wounded, with the loss of three Men, and 20 wounded on the other; but Lieutenant *Douglafs* and Captain *Cunningham* being taken Prisoners, were, after Quarters given, basely put to the Sword. At this time, viz. April 10th, King *James* left the Camp, and retired to meet his Parliament at *Dublin*, the Proceedings of which we will declare after we have brought the Siege to an end. The Assailants not finding their Attempts upon the Town succeed, they removed their main Body from *St. John's* Town, and pitched their Tents upon *Belinrgy Hill*, about two Miles distant from the Town, for the more strict Guard of the City, and to prevent the Besieged from coming to the Wells of Water, and in attempting to regain which, it cost them many Men. Now it being the 4th of *June*, the Besiegers made an Assault, with a Body of Horse and Foot at the Wind-mill Works, as being the most accessible in their Opinions. The Horse, whose Front were most Gentlemen, that had bound themselves with an Oath to mount the Besieged's Line, went on in good order, making loud Huzzaes, but were beaten off several times, and at last obliged to retreat, and tho' the Foot were no less resolute, and for their defence against the Enemies firing, had got Faggots, and when those failed them, took up dead Bodies, yet after a sharp Fight, and a dubious Dispute on both sides, the Assailants retreated in great Disorder, leaving behind them 400 of their Number killed upon the Spot. Upon this, the Night approaching, the Besiegers began to play upon the Enemy with their Bombs of 273 Pound weight, and continued so doing all Night, which did considerable Damage to the Town, by demolishing several Houses, and destroying the People by the Ruins thereof. The next Morning they began to batter the Walls with their usual Success. Now the Garrison being reduced to 6185 Men, and Famine raging among the Multitude of useles People in the Town, they began to despair of holding the Place any longer; but upon the 15th of *June*, they discovered a Fleet of 30 Sail in the *Lough*, and had No-

1689. tice that it was sent from *England* to their Relief, with Men, Provision, and Ammunition, under the Conduct of Major General *Kirk*; but the Besiegers apprehending of *Kirk's* Design, they raised Batteries opposite to the Ships, and having drawn their Guns to *Charles Fort*, a Place of considerable Strength upon the narrow Part of the River; thereby, and also by a Boom made cross the River, and fastened in the Narrow Passage from Shoar to Shoar, the General was prevented, at that time from relieving the Town: But in the mean while the Besieged held Correspondences with the Fleet only by Sign, or such as privately swam the River in the Night-time, or made other private Attempts for great Rewards, in which some were intercepted, and others lost; but two Letters from the Ships, were brought to the Town by a little Boy, one tied in his Garter, and the other in a Cloth Button, the Contents of the last were, *That the General had endeavoured all means imaginable for their Relief, but it was impossible to attempt it by the River, which had caused him to send a Party to Inch, where he himself in Person was to follow, to try to beat off the Enemy's Camp, and at leastwise give them a Diversion, that they should not press too hard upon the Town: That he expected 6000 Men from England every Minute, and had sent Officers, Ammunition, and Provisions, Arms, Guns, &c. to Iniskilling, and that he had Notice from thence, that the Duke of Berwick was beaten, but it wanted Confirmation. He advised them to be Courageous, and husband their Victuals and Provisions, till God pleased to give them Deliverance, &c.*

All this while the Inhabitants, and the Garrison of the Town, were not a little weakened both in Strength and Number by the raging Famine that was within their Walls, and tho' many Attempts were made to reach the Ships in the River, yet most of the Attempts were destroyed by the Shot of the Enemy; and some, even *Tantalus* like, were cut off at their entrance abroad. About this time, Major *Baker* being taken very ill, and incapable to act as Governour, Colonel *Michelburn* was chose to officiate as Assistant to Mr. *Walker*. About the same time *Comrade de Rosen* the French Mareschal General, arrived at the Assailants Camp, and upon view of the Fortification of the Town, was so confident of prevailing against it, that he swore by the Belly of God, he would level it with the Ground, and bury the Defendants in its Ruines; and in order thereto he runs a Line, and places more Mortars



and Culverins, and in the management of which, he had many Amendments to draw the Besieged into his Ambuscades, which did not succeed; for it was impracticable to catch Old Birds with Chaff. Here after many sallies with different Successes on both sides, the Besieged having spent all their Iron Bullets, were forced to make Balls of Bricks, cast over with Lead to the like effect, which did them great Service; and being thus encouraged, they made a violent Sally upon the Enemy, even to the Lord Clancarty's Trenches, and beat him out of them, with the loss of a 100 of his Men, and many wounded. This Action lessened the Credulity of the general Belief of the *Irish*, in Relation of an old Superstitious Prophecy, that a Clancarty should knock at the Gates of *Derry*. Now it being the 30th of *June*, it proved fatal to Major *Baker*, whose Death was Universally lamented, by both the Inhabitants and Garrison: But four Days before, Lieutenant General *Hamilton*, sent the following Proposals and Conditions of Surrender to the Town. That Collonel *O'Neill* has a Power to Proposals discourse with the Governours of *Derry* from General to *Derry*, *Hamilton*, as appears by his sending of this.

2. That the General has full Power, as does appear by his Commission.

3. That General *Rosen* has no Power from the King to intermeddle with Lieutenant General *Hamilton*; That is, to what Articles shall be agreed on, they may see by the King's Warrant he has full Power to confirm them; notwithstanding if they do not think this sufficient, he will give what other reasonable Security they can demand. As to the *English* Landing, such as had Commissions from the Prince of *Orange*, need not be apprehensive, since it will be the King's Interest to take as much care of his Protestant Subjects, as of any other, he making no distinction of Religion.

4. As to what concerns the *Inniskillin* People, they shall have the same Terms as those of *Derry*; on their Submission, the King being willing to shew Mercy to all his Subjects, and quiet his Kingdoms.

That the Lieutenant General desires no better than having it Communicated to all the Garrison, he being willing to employ such as will freely swear to serve His Majesty faithfully; and all such as have a desire to live in Town, shall have Protection, and free Liberty of Goods and Religion.

As

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As to the last Point, such as have a mind to return to their Homes, shall have a necessary Guard with them to their respective Habitations, and Victuals to supply them; where they shall be restored to all they possessed formerly, not only by the Sheriffs and Justices of the Peace, but also by Governours and Officers of the Army, who from time to time will do them right, and give them Reprisal of Cattle, for such as have taken them to the Mountains.

At the Camp at *Derry*,

27th June 89,

*Richard Hamilton*

These Proposals were scornfully rejected by the Inhabitants, and not without some reproachful Reflection upon the Messenger, as having betrayed his Trust, and revolted to the Enemy (for this Lieutenant was sent from King *William* to *Tyrconnel*, in order to persuade him to submit to his Majesty) but he was so far from it after his Arrival in *Ireland*, that he was very Instrumental to engage *Tyrconnel* to the contrary: But to return to the Siege, soon after General *Rosen* published the following Order.

*Conrade de Rosen Marechal General of his  
Majesties Forces.*

G. Rosen's  
severe  
Order.

Declares by these Presents, To the Commanders, Officers Soldiers, and Inhabitants of the City of *Londonderry*, That in Case they do not, betwixt this and *Monday* next, at Six in the Afternoon, being the 1st of *July* 1689, agree to Surrender the said place of *Londonderry* unto the King, upon such Conditions as may be granted them, according to the Instructions and Power Lieutenant General *Hamilton* formerly received from the King; That he will forthwith issue out his Orders from the Barony of *Inishone*, and the Sea-Coast round about, as far as *Charlemont*, for the gathering together of those of their Faction, whether Protected or not, and cause them immediately to be brought to the Walls of *Londonderry*, where it shall be lawful for those that are in the Town (in Case they have any Pity for them) to open the Gates, and receive them into the Town; otherwise they



they will be forced to see their Friends and nearest Relations all starved for want of Food; he having resolved not to leave one of them at home, or any thing to maintain them: And that all hope of Succour may be taken away by the Landing of any Troops in these Parts from England: He further declares, That in Case they refuse to submit, he will forthwith cause all the said Country to be immediately destroyed; that if any Succour should be hereafter sent from England, they may perish with them for want of Food: Besides which, he has a very considerable Army, as well for the opposing of them in all Places that shall be judg'd necessary, as for the Protecting all the rest of his Majesties dutiful Subjects, whose Goods and Chattels he promises to secure, destroying all the rest that cannot be brought conveniently into such places, as he shall judge necessary to be preserved, and burning the Houses and Mills, not only of those that are in actual Rebellion, but also of their Friends and Adherents, that no hopes of escaping may be left for any Man: Beginning this very day to send his necessary Orders to all Governours, and other Commanders of His Majesties Forces of Colerane, Antrim, Carrickfergus, Belfast, Dungannon, Charlemont, Belturbet, Sligo, and to Collonel Sarsfield Commanding a flying Army beyond Ballysharry, Collonel Sutherland commanding another towards Inniskillin, and the Duke of Berwick another on the Fin-water, to cause all the Men, Women and Children, who are any ways related to those in Londonderry, or any where else in open Rebellion, to be forthwith brought to this place, without hopes of withdrawing further into the Kingdom; that in Case before the said Monday the 1st of July, in the Year of our Lord 1689, be expired, they do not send Us Hostages, and other Deputies, with a full sufficient Power, to Treat with us for the Surrender of the said City of Londonderry on reasonable Conditions, that they shall not after this time be admitted to any Treary whatsoever: And the Army which shall continue the Siege, and will (with the Assistance of God) soon reduce them, shall have Orders to give no Quarter, or spare either Age or Sex, in case they are taken by Force: But if they return to their Obedience, due to their Natural Prince, he Promises them, that the Conditions granted them in his Majesties Name, shall be inviolably observed by all His Majesties Subjects; and that He himself will have a Care to Protect them



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on all Occasions, even to take their Parts, if any thing (contrary to the Agreement) should be done them making Himself responsible for the Performance of the Conditions, on which they agree to Surrender the place of *Londonderry* to the King. Given under my Hand this 30th Day of *June*, in the Year of Our Lord, 1689.

Le Marechal Rosen

The News of this Order flew immediately to *Dublin* and before it was put in Execution, the Bishop of *Meath* apply'd himself to the King on this Account, and laid before His Majesty the Severity and Barbarity of the Order, as also the dangerous Consequences that would follow upon the Execution of it. The late King having heard all what the Bishop said, with a great deal of Attention, told him, That he had heard of the Order before, and that he had sent Orders to stop it, that General *Rosen* was a Foreigner, and used to such Proceedings as were strange to us tho' common in other Places, and that if he had been his Subject, he would have called him to an Account for it. For all this, the Poor Protestants were gathered together in great Numbers; and at the same time the General ordered a Letter, inclosed in a dead Shell or Bomb, without Powder, to be thrown into the Town, signifying to the Soldiers what Terms had been offered them to Surrender as if the Governour had not communicated the mentioned Order to the Soldiery; but this made not the least impression upon the Garrison, to an inclinableness to Surrender, notwithstanding some Persons dispersed several Copies to the like purport among the Garrison and Townsmen, but nothing would move them from their steady Resolution. Upon this, the Besiegers drove the Prisoners that they had gathered in the adjacent Countries, to the number, as some say, of Seven Thousand under the Walls, very poor Wretches, most of them being strip'd naked, and some kept a whole Week without Meat or Drink, a great many of all Ages and Sexes perished: Upon these at first, the Garrison ignorant of what they were, fired, yet as Providence ordered it, very few were killed, and before they would suffer them to retire, the Besieged were forced to build Gallowses, whereupon they threatned to hang all the Prisoners they had taken since the Siege, upon which on the Intercession of some Persons, Lieutenant General

Ha-

*Hamilton* and *Reser*, permitted the Captives to retire into their Habitations; but some of them that were fit for Arms, got into the Town, which proved an Advantage to the Garrison: For all this, some there were not wanting to put an ill Construction upon their Admission into the Town, as if the Governour intended thereby to deliver it up to the Enemy, but upon a right Understanding of his sincere Resolution to defend the Place to the last Extremity, this false Rumour vanished: And the Governour upon Regimenting his Men on the 25th of July, found the Garrison reduced by Famine, Sallies, and other Disasters, to 4892 effective Men: However, they made a vigorous Sally that same day, with a Design to bring in some Cattle that were in Possession of the Besiegers in sight of the Town, tho' the Garrison failed in their main intent to get the Cattle, yet they made a considerable Slaughter of their Opponents.

By this time the Garrison upon Computation was reduced to 4456 Men, and the Famine daily increased, insomuch that Horse Flesh was sold for 1 s. 8 d. per Pound, the Quarter of a Dog for 5 s. and 6 d. a Dog's Head 2 s. 6 d. a Cat 4 s. 6 d. and so of other things proportionably; Mice, Rats, Tallow, Grease, &c. which dire Famine made not only eatable without any Compositions, but were deemed Rarities and Dainties at that time. And it is remarkable in this Conjunction, That one fat Man, that used to walk up and down among the Garrison, whose Fatness in that famishing time drew the Eyes of most People upon him, more out of Admiration as was supposed, than any thing else, yet he resented their taking notice of him so, that out of Fear that they designed to feed upon him, he absconded and hid himself for some time. The Town being under these deplorable Exigencies, and the Enemy still before their Wall, at last on the 30th of July, an Hour after Sermon, some Ships in the *Lough* were discovered sailing towards the City: For Major General *Kirk* finding the place could not hold out much longer, order'd the *Mountjoy* and *Phoenix*, both laden with Provision to force their way through, which they did, with great Resolution, and the Enemy without any Intermision fired upon them from the Fort of *Culmore*, and both sides of the River. Here the *Mountjoy* made a stop at the *Boon* cross the River, and by a rebound was run aground, at which the Besiegers shouted, and prepared their Boats to Board her, but were beat

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lieved.

beat off by Captain Douglass Master of the *Phoenix*, and the *Dartmouth* that was their Convoy, gave them warm Entertainment, so that the *Mounjoy* by their Assistance, and by disintangling her self from them, that were to Board her by firing a Broadside upon them, got clear off to the inexpressible joy of the Distressed Garrison; and that very Night the Besiegers raised the Siege in great Disorder, and in their Retreat made a sad havock of the Country, Burning and Plundering all before them: Tho' they were pursued by the Besieged, and some Parties of the *Iniskillin* Men, who cut several of them off, they at last encamped at a place called *Strabane*, where we leave them at present, and see what loss both Parties had sustained during this terrible Siege.

Upon the first Regimenting, when Major *Baker* and Mr. *Walker* were chose Governours, the Soldiers and Officers appeared to be 7350 in number, and now they had not above 4300 left, whereof at least the fourth part were rendred unserviceable; and the Besiegers, who continued the Siege from their first Appearance before the Town 105 Days, lost above 8000 Men, and about a 100 of their Officers. Now since we have insisted so long upon this Memorable Siege, and that the bringing of it to a Conclusion, has carried us in point of time, beyond many other Transactions in this Kingdom, not to be omitted in this History, therefore first we will return to the King himself now at *Dublin*; where on the 7th of *May* the Parliament met, and His Majesty entred the House the same day with his Robes and Crown, and made the following Speech.

My Lords and Gentlemen,  
K. James's **T**HE Exemplary Loyalty which this Nation expressed  
Speech to me at a time, when others of my Subjects so undutifully  
the Irish Misbehave themselves to me, or so basely betrayed me, and  
Parlia- your seconding my Deputy, as you did in his bold and resolute  
ment. asserting my Right, in preserving this Kingdom for me, and  
putting it in a posture of Defence, made me resolute to come  
to you; and to venture my Life with you in defence of your  
Liberties, and my own Right, and to my great Satisfaction I  
have not only found you ready to serve me, but that your Cou-  
rage hath equalled your Zeal.

I have always been for Liberty of Conscience, and against  
Invading any Man's Right or Liberty: Having still in mind  
that Saying of Holy Writ, Do as you would be done to,  
for this is the Law and the Prophets.



It was this Liberty of Conscience I gave, which my Enemies both at Home and Abroad dreaded to have established by Law in all my Dominions, and made them set themselves up against me; tho' for different Reasons; seeing that if I had once settled it, my People (in the Opinion of the one) would have been too happy (and in the Opinion of the other) too great.

This Argument was made use of to persuade their own People to joyn with them, and so many of my Subjects to use me as they have done: But nothing shall ever persuade me to change my Mind as to that, and wheresoever I am the Master, I design (God willing) to establish it by Law, and have no other Test or Distinction but that of Loyalty. I expect your Concurrence in so Christian a Work, and in making Laws against Prophaneness, and against all sorts of Debauchery.

I shall most readily consent to the making such good wholesome Laws, as may be for the good of the Nation, the Improvement of Trade, and relieving such as have been injured by the late Acts of Settlement, as far forth as may be consistent with Reason, Justice, and the Publick Good of my People.

And as I shall do my part to make you Happy and Rich, I make no doubt of your Assistance, by enabling me to oppose the unjust Designs of my Enemies, and to make this Nation flourish.

And to encourage you the more to it, you know with how great Generosity and Kindness the most Christian King gave me Retreat to the Queen, my Son, and my self, when we were forced out of England, and came to seek for Protection and Safety in his Kingdoms: how he embraced my Interest, and gave me such Supplies of all sorts, as enabled me to come to you, which without his obliging Assistance, I could not have done: This he did at a time, when he had so many and considerable Enemies to deal with, and you see still continues so to do.

I shall conclude as I have begun, and assure you, I am as sensible as you can desire of the signal Loyalty you have expressed to me, and shall make it my chief Study, as it has always been, to make you and all my Subjects Happy.

No sooner had the King made an end of his Speech and had withdrawn, but Sir Richard Negle Attorney General, who was chosen Speaker of the House of Commons, made a Speech to the House to this Effect. That they were highly obliged to the French King, and the Duke of

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of Tyrconnel for that Glorious Meeting, and how soon  
 was for both Houses to return to His Majesty Thanks for  
 Gracious Speech. An Address of Thanks was drawn  
 accordingly, and presented to the King; then a  
 was brought in, containing a Recognition of the King's  
 Title, and an Abhorrence of the Prince of Orange's  
 usurpation and Defection of the English: And about the  
 same time, His Majesty Published the following Decla-  
 ration.

## JAMES R.

K. James's  
 Declara-  
 tion to his  
 English  
 Subjects.

**A**Ltho the many Calumnies and dismal Stories, by which  
 our Enemies have endeavoured to render us and our  
 Government odious to the World, do now appear to have been  
 advanced by them, not only without any Ground, but against  
 their own certain Knowledge; as is evident by their not daring  
 to attempt the proving these Charges to the World, which we  
 cannot but hope hath opened the Eyes of our good Subjects  
 to see how they have been imposed upon by designing Men  
 who to promote their own ambitious Ends, care not what  
 they reduce our Kingdoms to: Yet we cannot but rejoice  
 that we have had an Opportunity to demonstrate the Falseness  
 and Malice of their Pretences, since our arrival in this King-  
 dom of Ireland, by making it our chief Concern to satisfy the  
 Minds of our Protestant Subjects: The Defence of your Reli-  
 gion, Privileges and Properties, is equally our Care, with the  
 Recovery of our Rights. To this end, we have preferred  
 of them, of whose Loyalty and Affection we are satisfied,  
 Places both of the highest Honour and Trust about our Person  
 as well as in our Army. We have, by granting our Royal  
 Protection to such, whose Minds were shaken by the Arms  
 of our Rebellious Subjects, dispell'd their Apprehensions,  
 effectually secured them against the Attempts of their  
 private Enemies. Our Ear hath been always open to their  
 Complaints; and so far hath our Royal Mercy been extended  
 to those who were in Arms against us, that we have already  
 Pardoned several Hundreds, of them, and most Notorious  
 Criminals are kept in an easie Confinement (as they themselves  
 acknowledge.)

We have taken care that our Subjects of the Church of Eng-  
 land be not disturbed in the Exercise of their Religion, in  
 Possession of their Benefices and other Properties; and all Pro-  
 testant Dissenters enjoy the Liberty of their Consciences, with-  
 out any Molestation: And out of our Royal Care for the Pro-  
 sperity



erity of our People, we have recommended to our Parliament, as the first Thing necessary to be dispatched, to settle such a Security and Liberty, both in Spiritual and Temporal Matters, as may put an end to those Divisions, which have been the Source of all our Miseries; being resolved, as much as in us lies, to entail Liberty and Happiness upon our People, so far as to put it out of the Power of Successors to Infringe the one, or Infringe the other. And this we take God to be our Witness, was always our Design; of which we see our good Subjects here are more and more convinced, by the great Numbers of those, who having been seduced or frightened by the restless Importunities of our Enemies, are returned to their Country and Habitations, and who assure us daily more and more, if the Ports were open: But the Usurpers know well the Sincerity of our Intentions, to permit a free Passage to our said Subjects; fearing nothing more than that their Experience should undeceive the rest, who are restrained more by Ignorance than any ill Intention: And therefore desire to assure them that Liberty which we afford to all, whose Designs are satisfied tend not to the Disturbance of the Peace.

By this our Gracious and Royal Care of our Protestant Subjects here (where the greatest part of our Nation is Catholick) we have, as well as we, received the highest Provocation from their Fellow Subjects of contrary Persuasions: So that nothing but our own Inclination to Justice, and desire to see our People Flourish, could move us to such a Proceeding. We hope our Subjects in England will make a Judgment of what they expected from us. And we do hereby promise and declare, That nothing shall ever alter our Resolutions, to pursue such and no other Methods, as by our said Subjects in Parliament shall be found proper for our common Security, Peace and Happiness. And that none may be debarred of assisting us in recovering our Rights, and redeeming our People from their present Slavery, out of any Apprehension from past Miscarriages; we do hereby assure all our Subjects, of what Quality soever, let their Crimes against us be never so great, That, if in Twenty Days after our appearing in Person in our Kingdom of England, they return to their Obedience, and deserting our Enemies, and joining with us, we will grant them our full Pardon, and all past Miscarriages shall be forgotten: So little do we delight in the Blood or Ruin of our People. But if after this our gracious Condescension, they shall still continue to assist our Enemies and Rebels, we do before God charge all the Blood which shall be afterward shed, upon them and their Adherents. And, we doubt not, by the



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*Blessing of God upon our Arms, to force the most obstinate in their Duty: Tho, as we have made appear in reducing our Rebellious Subjects in this Kingdom, we desire to use no other Methods than Lenity and Mercy.*

Given at our Court in Dublin Castle, the 18th of May, 1689. in the Fifth Year of our Reign.

*God save the KING.*

It cannot be expected that I should give a perfect Journal of the Proceedings of this Parliament, or take notice of every Bill brought into the House, that passed, or did not, into a Law, during their Sessions; but I am to inform you, that they were so Zealous for the King's Cause, that they granted him a Tax of 20000*l.* per Month, for 12 Months; the Payment of which, in the Condition the Kingdom was then in, could not be reasonably expected, without taking indirect Means; but now (it being the 13th of May,) a Bill was brought into the House by Chief Justice *Nugent* for Repealing the Act of *Settlement*; which before it passed into an Act, met with great Opposition, especially from the Protestant Party, as you may see from the following Speech made by the Lord Bishop of *Meath*, June the 4th, in the Parliament House against it.

Bishop of  
*Meath*'s  
Speech.

*My Lords,*

Y Our Lordships have now under your Consideration a Bill of great Weight and Importance; for the future Prosperity or Ruin of the King and Kingdom, depends upon it: A Bill that unsettles a former Foundation (upon which this Kingdom's Peace and Flourishing was superstructed) and designs to erect another in its stead; the success whereof is dubious and uncertain: I shall therefore humbly crave your Leave to present my Thoughts candidly and impartially upon it, and that so much the rather, because I am here summoned by the King's Writ, to give his Majesty my best Advice for his own Service, and the Good of the Nation.

*My Lords,* In every Law two Things are to be considered: First, That it be Just and doth no Man wrong: Secondly, and that it be *pro bono Publico*; and I am humbly of Opinion, that this Bill is Faulty in both

these respects, and therefore ought not to pass this House. It is unjust to turn Men out of their Possessions and Estates, without any Fault or Demerit; to deprive Widows, of their Joyntures, and Children of their Portions, when they have done nothing to forfeit them. But the Injustice will rise much higher, if we consider it with respect to Purchasers, who have laid out all their Substance upon Estates deriv'd under the Acts that now are designed to be repealed. What have they done to make them Delinquents, except it be the laying out their Mony on the Publick Faith of the Nation, declared in two Acts of Parliament, and on the Publick Faith of His Majesty's Royal Brother, expressed in his Letters Patents? Their Case is yet harder, if we consider the great Improvement they have made upon their Purchases, which by this Bill they are like to lose, without any Reprizal for them: And if it be reasonable to restore the Old Proprietors to their Estates, 'tis enough for them to enjoy them in the same Plight and Condition that they left them. But I see no reason why they should have them in a better Condition, or enjoy the Benefit of other Mens Labour and Expences, to the utter ruin of them and their Families: Here Mercy should take place as well as Justice, for the Purchasers are the Objects of them both.

Two things I am sensible may be reply'd to this, and I am willing to consider them both. First, That if it be unjust to turn them out; It is as unjust not to restore the Old Proprietors, who have been so long kept out of their Estates. Secondly, That there is no injury done to this present Possessor, because he is to be Reprized for his Losses.

As to the first of these, I shall not at present meddle with the Reasons why they lost their Estates, nor touch upon the Grounds and Occasions of their forfeiting their Interest in them, being sensible that neither the Time nor the Place will admit a Discourse of this Nature: I shall therefore take it for granted, that they were unjustly put out; that it is just and reasonable that they should be restored: But then it must be granted, that it is unjust to turn out the present Purchaser and Possessor. What then is to be done in this Case, where the Justice or the Injury is alike on both sides? If we restore the Old Proprietor, we Injure the present Possessor; if we do it not, we injure the Old Proprietor.

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‘ My Lords, It is my humble Opinion (which I submit to your Lordships better Judgments) that we are to consider in this Case, who hath most Justice on his Side, and incline the Ballance that way: If it lies on the Old Proprietor’s side, let him have it; if not, let the present Possessor enjoy it. Now it appears to me, that the Purchaser hath more Justice on his side than the Old Proprietor: For he has both Law and Equity on his side. He hath the Law on his side by two Acts of Parliament, and the King’s Letters Patents; and he hath the Equity by his Purchase Money: Whereas the old Proprietor hath the Law against him, and nothing but Equity to pretend to. And I hope your Lordships will never think it reasonable, to relieve a bare equitable Right against a Purchaser that hath both Law and Equity: If you do, I am confident it is the first Precedent of this kind.

‘ As for the *Reprizals*, I hear the Name of them in the Bill, but I find nothing agreeable to the Nature of them. There are certain Conditions agreed on all Hands, to make up the Nature of a Reprizal; none of which are like to be observed or kept here. I shall name some of them, and leave it to your Lordships Consideration, how far they are like to be performed with the present Purchasers.

‘ It is necessary to a Reprizal, that it be as good at least, if not in some respects better than the thing I am to part with: That I my self be Judge, whether it be better or worse; that I keep what I have till I am Reprized. If my Neighbour comes to me, and tells me, That he hath a mind to my Horse, or to a Field of mine that lies convenient for him, I tell him, that I have no mind to part with them: He offers me Money for them: I tell him, That I will not sell them. He tires me out with Importunities, and at length I consent to part with them in Exchange for some other things as good as they: But I tell him withal, That I my self will be judge whether they are so or not, since it is at his Importunity, and to please him that I part with them: And besides that, I am resolved to be possessed of the Equivalent at the same time that I part with my own, there being no reason why I should Dance Attendance after him, and wait his Leisure for my Reprizal.

My



My Lords, If these be the true Condition of Reprizals, as I presume they are, I am confident that not one of them is like to be observed in the intended Reprizals: Not the first of them; for by the Petitions that have been before your Lordships Alterations, wherein you have saved all Remainders expectant on Estates for Lives, most of the Reprizable Persons must part with an Inheritance to them and their Heirs, and get only in lieu of it an Estate for Life, which will determine with the Life of the Forfeiting Persons: So here is not equal Value, Worth and Purchase.

Not the Second: For the Parties themselves are not made the Judges, but the Commissioners: And I dare say, That if they were made the Judges, there is not one of them that are to be turn'd out, that will part with their present Possessions, or that judge the Reprizal to bear any Proportion with the Estates they are to quit.

Not the Third: For, by the Commons Bill, they are to be turn'd out immediately, and wait for a Reprizal afterward; and all the Favour they can obtain from your Lordships, is only to have a competent Time for their removal, (which may be long or short, as the Commissioners please) but out they must go at the discretion of the Commissioners, and wait their leisure for a Reprizal.

This is the first Objection against this Bill. The next is, that it is not for the Publick Good, either for the King or the Kingdom, or the People in it: It is not for the Good of the King, who is the Vital Head of this great Body, and that whether we respect his Majesties Honour or Profit.

It is not for his Majesties Honour to consent to the Ruining of so many Innocent, Loyal Persons, as must unavoidably perish, if this Bill doth pass: It is not for his Honour to rescind those just Acts of his Royal Father and Brother, the Act for Adventurers passed in England, and the Declaration and Acts of Settlement and Explanation, which if I am not misinformed, were five Years upon the Anvil, and at last not pass'd, till all Parties were fully heard. It is not for his Majesties Honour to break his Word with his People, nor violate so many repeated Promises as he hath made, that he would not consent to the Repeal of them.

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‘ And as it is not for his Honour, so it is not for his Profit or Advantage : It will neither preserve him in the Kingdom that he enjoys, nor restore him to those he has unhappily lost. His Profit in this Kingdom must arise out of a constant Payment of his Revenue both Ordinary and Extraordinary : And who is able to pay, if this Bill passeth into a Law ? The Protestants are not able, the Rapparees have plunder’d them of all their Substance, and here is a Bill to take away their Estates ; and consequently they will have nothing left to pay the Publick Taxes of the Nation. And as for the Romanists, they will be in as ill a Condition as the Protestants. The old Proprietor comes poor and hungry into his Estate, and can pay nothing until his Tenants raise it ; and the present Possessor loseth the Benefit of his Purchases and Improvements ; and who then is able to supply the Necessities of his Majesty ? Besides this, in many parts of the Kingdom, the Land is hardly able to pay the King’s Quit-Rent, by reason of the Universal Depredations that Reign every where ; and can it be imagin’d, but that things will grow far worse when the ablest Catholick Merchants, and the most wealthy Purchasers of that Communion are ruined and undone ?

‘ And as it is not for the King’s Profit in this Kingdom, so it is to the utter Ruin of his Interest in the Kingdoms that he has lost. Will the Protestants in *England* and *Scotland* join heartily in restoring him to his Crown, when they understand how their Brethren here are used ? No, *My Lords*, they will rather bend and unite all their Forces to hinder his Restitution, when they consider that the Mischief is like to come Home to their own Doors, and that what is a doing here, is but a Model of what they must suffer, if he be restored. Will they trust his Word in *England*, when he breaks it in *Ireland*, or rely on his Promises to them, when he doth not keep them to his Subjects here ? This, *My Lords*, will abate their Affections for him, and gain him more Enemies there than he can have Friends here.

‘ It is not for the Good of the Kingdom, and that if we consider it in Reference to Trade, Wealth, Improvements, and Husbandry.

‘ It will ruin the Kingdom in point of Trade. Divine Providence hath placed us in an Island, where we must Trade

Trade or want many Conveniencies of Life, and can we expect that the Trade of this Nation will increase in our Hands, when we find it sunk so low by the Removal of the Protestant Merchants Effects out of the Kingdom? And for those Catholick Merchants that carry it on in some measure; can we believe that they will be able to carry it on, when we are ruining their Stocks by taking away their Estates and Improvements from them? Nay, we shall not only ruin our own Traders at home, but break their Correspondents abroad, whose Effects are in their Hands. We have passed a Bill in this House, for the inviting Strangers to Settle and Trade among us; but it is worth considering, Whether the Course we are now taking, will not hinder the Nation of the intended Benefit of that Bill? For, if Foreign Merchants come among us, what Security have they, but the Publick Faith of the Nation? And it is not probable that Strangers will rely upon it, when they observe that it is so ill kept towards our own People.

If Trade decays, the Wealth of the Nation must perish with it; for they live and die together. Wealth cannot subsist without Trade, or without Security for Debt: And who will ever lend Money, or Purchase, or Improve in this Kingdom after this? When the Money that hath been lent, and the Purchases made from Persons deriving their Estates under two Acts of Parliament, many Years Possession, and Letters Patents on Record, are all blown off at once, and nothing left sure or firm in the Kingdom? For my part, I cannot understand that any Man will purchase an Acre of Land hereafter, when former Purchasers that thought themselves secure, are so much discouraged. Improvements must perish likewise: For by the Petitions that have been preferred to this House, your Lordships may perceive that some Proprietors have but small Estates, 20, 40, or 1000 Acres, on which sumptuous Houses, and large Gardens and Orchards have been erected, and the Income of their Estates is not able to repair the Glafs-Windows, or defray the Wages of the Gardiner. And as for Husbandry, what between the old Proprietor that is to be restor'd, and cannot manure the Ground till he is possessed of it, and the present Possessor, that knows not how long his Term will hold, and therefore will be at no Charges upon a Term that depends



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on the Will of the Commissioners, we shall have the Plough neglected, and must feed on one another's *stead of Corn.*

*My Lords,* This is not all the Inconveniences in it; but it is likewise to the prejudice of the People in the Kingdom, both Protestants and Catholics: The Protestants are already ruin'd by the Rapparees; and if their Estates are taken from them, I know nothing wanting to make them compleatly miserable. The rich Catholics have as yet escap'd the Depredations of their Neighbours, but they will be almost as miserable as the Protestants, when their Estates and Improvements are taken from them.

*My Lords,* This Bill doth likewise destroy the Publick Faith and Credit of the Nation; it destroys the Credit of *England* by Repealing the Act pass'd there for the Satisfaction of Adventurers; it destroys the Publick Faith of *Ireland* by Repealing the *Acts of Settlement and Explanation*; it violates the Faith of his late Majesty, which hath been pass'd to his Subjects in his Gracious Declaration for the Settlement of this Kingdom, and in his Letters Patents pursuant to it.

It subverts the Credit of his present Majesty in his Letters Patents, that he hath pass'd since his coming to the Crown on the Commission of Grace, for he has receiv'd the Composition Money; and if these Grants must be vacated, I cannot forbear to speak it plainly, that the Subject is deluded; it commits a Rape upon the Common Law, by making all Fines and Recoveries useless and ineffectual; and it invades the Property of every private Subject, by destroying all Settlement on valuable Considerations.

*My Lords,* This Bill is *Inconvenient in Point of Time.* Is it now a time for Men to seek for Vine-yards and Olive-yards, when a Civil War is raging in the Nation, and we are under Apprehensions (I will not say Fears, for it is below Men of Courage to be afraid) of Invasions from abroad? Is it not better to wait for more peaceable Times, and *Postpone* our own Concerns to the Concerns of His Majesty and the Publick Peace of the Nation? To do otherwise, is to divide the Spoil before we get it, to dispose of the Skin before we catch the Beast. We cannot in this Case set a better President before us, than the Case of the *Israelites* in the Book of *Joshua*; they had the Land of *Canaan* given

them by God, but yet ~~Joseph~~ did not go about to make a Distribution of it to the Tribes, till they had subdued their Enemies, and the Lord had given them Peace. Nay, *My Lords*, I am confident that it will prejudice His Majesty's Service, because every Man's Eye and Heart will be more on his own Concerns, than His Majesty's Business: It is possible that their Affections may be more set upon the gaining of their Estates, than fighting for the King; and then all their Endeavours will be drowned in the Consideration of their own Profit. *Moses* was jealous of this when the two Tribes and an half desired to have their Possessions on this side *Jordan*, before the Land was intirely subdued; and there may be the same Motives to the like Suspicions now.

*My Lords*, Either there was a Rebellion in this Kingdom, or there was not: If there was none, then we have been very unjust all this while, in keeping so many Innocents out of their Estates; and God forbid that I should open my Mouth in the Defence of so gross an Injustice. But then what shall we say to His Majesty's Royal Father's Declaration in his *Fixam Bæi-Ann*, who there owns that there was a Rebellion; and in pursuance of that Opinion, passed an Act to secure such as should adventure Money for the suppressing of it? Nay, What shall we say to the two Bills that have been brought into this House? The one by an honourable Lord, which owns it fully; the latter from the Commons, which owns a Rebellion, but extenuates it. I take it then for granted that there was a Rebellion; and if so, it was either a total, or a partial one: If it was a general one, then all were guilty of it, and none can pretend to be restored to his Estate, farther than the King in his Mercy shall think fit to grant it him: If it was a partial one, then some Discrimination ought to be made between the Innocent and the Guilty; the Innocent should be restored, and the Guilty excluded from their Estates. But here is a Bill that makes no distinction between them, but Innocent and Nocent are all to fare alike; the one is to be put in as good a Condition as the other. And can your Lordships imagine that it is reasonable to do this, when we all know that there has been a Court of Claims erected for the Tryal of Innocents; that several have put themselves upon the Proof of their Innocence, and after a full

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full Hearing of all that they could offer for themselves, have been adjudged Nocent?

*My Lords,* I have ventured Candidly and Impartially to lay my Thoughts before you; and I have no other design in it, than honestly to acquit my Conscience towards my King and Country. If my Freedom hath given your Lordships any Offence, I do here submissively beg your Pardon for it; but it is the Concern of the Nation in general, that hath made me so warm in this Affair. I have but one thing more to add, That God would so direct and instruct your Hearts, that you may pitch upon those Courses, that may be for the Honour of the King, and the Benefit of the Kingdom.

*Objections against the Particulars of the Bill,  
made by the Lord Bishop of Meath.*

- I. NO Penalty on such as shall enter without Injunctions.
- II. No Considerations for Improvements.
- III. No saving for Remainders.
- IV. No time given to Tenants and Possessors, to remove their Stock and Corn.
- V. No Provisions for Protestant Widows.
- VI. It allows only Reprisals for Original Purchase-Money, which is hard to make out, and is an Injury to the second or third Purchaser.

Notwithstanding the Validity of my Lord's Reasons against the Bill, the Lord Chancellor *Fulton*, *Riverslow*, and many others, argued for it; but the next day, viz. the 5th of *June*, the following Protestation was brought to the Clerk of the Parliament.

*WE* the Lords Spiritual in Parliament Assembled, whose Names are hereafter Subscribed, having for divers Reasons, then humbly offered to the House of Lords, dissented from passing the Bill into a Law, sent up to this Honourable House from the House of Commons, intituled, *An Act for Repealing the Acts of Settlement and Explanation*, &c. and having obtained leave from the House of Lords to enter our Dissent against



against the said Bill, do accordingly subscribe our Dis-  
sent from the said Bill.

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Signed,

Meath.

Offery.

Cork.

Lymerick.

Notwithstanding this Protestation, the contrary Party being more numerous, stood firm for the passing of the Bill, which made Chief Justice *Keating*, with the Approbation and Consent of other Protestants, draw up an Address to the late King; which was presented to His Majesty by the Lord *Granard*, and runs thus:

THIS humble Representation made unto your Sacred Address Majesty, is in the behalf of many Thousands of to King.  
your Majesty's Dutiful and Obedient Subjects of all Degrees, Sexes, and Ages. The Design and Intention of your Majesty's Dutiful and Obedient Subjects of all Degrees, Sexes, and Ages. The Design and Intention of it, is to prevent the Ruin and Desolation, which a Bill now under Consideration, in order to be made a Law, will bring upon them and their Families, in case your Majesty doth not interpose; and by your Moderation and Justice protect them so far as to the known Laws of the Kingdom, and Equity and good Conscience will warrant and require.

It is in the behalf of Purchasers, who for great and valuable Considerations, have acquired Lands and Tenements in this Kingdom; by laying out not only their Portions and Provisions made for them by their Parents, but also the whole Product of all their own Industry, and the Labour of their Youth; together with what could be saved by a frugal Management, in order to make some Provision for old Age and their Families, in purchasing Lands and Tenements, under the Security of divers Acts of Parliaments, Publick Declarations from the late King: And all these accompanied with a Possession of twenty five Years.

Divine Providence hath appointed us our Dwelling in an Island; and consequently, we must Trade or live in Penury, and at the Mercy of our Neighbours. This necessitates a Transmutation of Possessions, by purchase from one hand to another, of Mortgaging and Pledging Lands for great and considerable Sums of Money, by charging them with Judgments; and indeed, gives

Name

Name to one of the greatest Securities made use of in this Kingdom, Statutes Merchant, and of the Staple; and very many, especially Widows and Orphans, have their whole Estates and Portions secured by Mortgages, Bond of the Staple and Judgments.

Where or when shall a Man Purchase in this Kingdom? Under what Title or on what Security shall he lay out his Money, or secure the Portions he designs of his Children; if he may not do it under the Security of divers Acts of Parliament, the solemn and reiterated Declarations of the Prince, and a quiet and uncontrollable Possession of twenty Years together? And this is the Case of Thousands of Families who are Purchasers under the Acts of Settlement and Explanation.

It were a hard Task to justify those Acts in every particular contained in them; I will not undertake it: But if it be considered, that from the 23d of *October*, 1641, until the 29th of *May*, 1660. the time of his Majesty's Restoration, the Kingdom was upon the Matter in one continued Storm: The Alterations of Possessions were so universal, and Proprietors so blended and mixed by Allotments and Dispositions made by the then usurping Powers, it may be well concluded, that they must be somewhat more than Men, that could or can frame a Law to take in every particular Case, tho' it should have a Regard to the Generality of a Kingdom or People, tho' possibly some particular Person may have some Hardship in his private Concern.

But if we may judge of General Laws, by the Produce and Effect of them, and at the same time have a Prospect of the Estate and Condition of this Kingdom from 1640. and as far backwards as you please, until the time of his late Majesty's Restoration; and at the same time take into Consideration what the Kingdom became in few Years after the Commissions for the Execution of those Acts were at an end: The Buildings, and other Improvements; the Trade and Commerce, the vast Herds of Cattle and Flocks of Sheep, equal to those of *England*; together with great Sums of Money brought over by our Fellow-Subjects of *England*, who came to Purchase and Plant in this Kingdom: The Manufactures set on foot in divers Parts; whereby the meanest Inhabitants were at once Enriched and Civiliz'd, it would hardly be believed it were the same spot of Earth. Nay, over-flown and Moorish Grounds were

reduced to the bettering of both Soil and Air. The Purchasers who brought the Kingdom to this flourishing Condition, fly to your Majesty for Succour, offering not only their Estates and Fortunes, but even their Lives to any Legal Tryal within this your Majesty's Kingdom, being ready to submit their Persons and Estates to any Establish'd Judicature; where, if it shall be found, that they enjoy any thing without Legal Title, or do any thing that may forfeit what they have purchased, they will sit down and most willingly acquiesce in the Judgment: But to have their Purchases made void; their Lands and Improvements taken from them; their Securities and Assurances for Money Lent, declared Null and Void, by a Law made *ex post facto*, is what was never practised in any Kingdom or Country.

If the Bill now design'd to be made a Law, had been attempted within two, three, four or five Years, after the Court for the Execution of these Acts was ended, the Purchasers would not have laid out their Estates in acquiring of Lands, or Building or Improving on them. Thousands who had sold small Estates and Freeholds in England, and brought the Price of them to Purchase or Plant here, would have stay'd at home: And your Majesty's Revenue, with that of the Nobility and Gentry, had never come to the height it did: If your Majesty please to consider upon what Grounds and Assurances the Purchasers of Lands and Tenements in this Kingdom proceed, you will soon conclude, that never any proceeded upon securer Grounds. The Acts of 17 and 18 of King Charles your Father, of blessed Memory, take notice, that there was a Rebellion begun in this Kingdom on the 23d of October, 1641. And so doth a Bill once read in the House of Lords, whoever looks into the Royal Martyr's Discourse upon that Occasion, will see with an Abhorrence he laments it; and that he had once Thoughts of coming over in Person to suppress it.

Those Acts promise Satisfaction out of Forfeited Lands, to such as would advance Money for reducing those Disturbers of the Publick Peace unto their Duty. The next Invitation was his late Majesty's, your Royal Brother's Letter from *Breda* some few Weeks before his Restoration, which hapned the 29th of May, 1660. and within six Months after, came forth his Majesty's Most Gracious Declaration for the Settlement of this Kingdom.



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Kingdom. This, may it please your Majesty, is the Basis and Foundation of the Settlement, and was some Years after Enacted and made a Law by two several Acts of Parliament.

It is true, that the Usurping Powers in the Year 1653, (having by the permission of the Almighty, as a just Judgment on us for our Sins, prevailed here) did dispose and set out the Estates of the Catholicks, unto Adventurers and Soldiers; and in a Year or two after, transplanted all Catholick Freeholders, for no other reason but their being so, into *Connaught*, where Lands were set out unto them under divers Qualifications, which they and their Heirs, or those deriving under them as Purchasers enjoy'd, and still do enjoy, under the security of the before-mentioned Acts of Parliament and Declaration.

His Majesty's gracious Declaration of the 30th of November, 1660, which I call the Foundation of the Settlement, was, before it was concluded on, under the Consideration of that great Prince, and the Lords of his Council of *England*, where all Persons concerned for the Proprietors, as well old as new, were heard; who ever reads it, will find by the main Difficulties which he and his Council met with from the different and several Pretenders, what Consideration was had, and Care taken, to reconcile the jarring Interests, and to accommodate and settle as much as was possible, the Mass and Body of Subjects here.

It was some Years after, before the Act for the Execution of his Majesty's most Gracious Declaration became a Law: It was near two Years upon the Anvil: It was not a Law that pass'd in few days, or *sub silentio*: It was first, according to the then course of passing Laws here, framed by the chief Governour and Council of the Kingdom, by the Advice and with the Assistance of all the Judges, and of his Majesties Council learned in the Law, and then transmitted into *England* to be further consider'd of by his Majesty and Lords of his Council there, where the Counsel at Law and Agents of all Pretenders to the Propriety of Lands of this Kingdom were heard, and that Act, commonly call'd the *Act of Settlement*, approved of and transmitted under the Seal of *England*, to receive the Royal Assent, which it did, after having pass'd both Houses of Parliament.

'The innocent Proprietors being restored pursuant to this Act, and some Difficulties appearing as to the further Execution of it; another Act passed, commonly called the *Act of Explanation*, which went the same Course, and under the same Scrutiny.

'It is confessed, that tho' they are two Acts, it was by the same Parliament, who were chosen according to the ancient Course of chusing Parliaments.

'But if any miscarriages were in bringing that Parliament together, or in procuring the aforesaid Act of Parliament to pass, which we can in no wise admit; and the less, for that your Majesties Revenue was granted and settled by the same Parliament, and many good and wholsom Laws therein Enacted; yet it is manifest, that nothing of that kind ought to affect the plain and honest Purchaser, who for great and valuable Considerations, acquired Lands under the Security aforesaid, and expended the remainder of his Means in Building, Improving, and Planting on them, and that for the following Reasons.

'First, The Purchaser advising with his Counsel, how to lay out to secure his Mony, that it may not lie dead, not only to his, but the publick Detriment; tells him, that he is offered a Purchase of Lands in Fee, or desired by his Neighbour to accommodate him with Mony upon the security of Mortgage or Statute Staple, and upon the enquiry into the Title, he finds a good and secure Estate, as firm in Law as two several Acts of Parliament of force in this Kingdom can make it; and in many Cases, Letters Patents upon a Commission of Grace for remedying defective Titles; he finds Possession hath for many Years gone along with his Title several Descents past, and passed thro' the Hands of divers Purchasers: He resorts to the Records, where he meets with Fines and Common Recoveries, the great Assurance known to the Laws of *England*, under which (by the Blessing of God) we live; and tells him there is no Scruple, nor Difficulty of Purchasing under the Title; since he hath Security under two Acts of Parliament, Certificates and Letters Patents, Fines and Recoveries; and that no Law of Force in this Kingdom can stir, much less shake this Title.

'How is it possible to imagine, that the Legislative Power should be made use of to void this Man's Estate, who perhaps was never in this Kingdom, until after these

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these Acts were Enacted and became Laws? It will be  
 the like Case with all Persons, who upon the Marriage  
 of their Children, and considerable Marriage Portions,  
 paid and received, have procured Settlements for Jointures,  
 Portions, and Remainders for their Children and  
 Grandchildren: And these are to be laid aside, without  
 any consideration of Law or Equity in the Case of  
 the Purchasers, or any Misdemeanor or Offence committed  
 by them: Whereby vast Numbers of your Majesty's  
 Dutiful Subjects, the present Proprietors and their Lassees,  
 and in very many Cases, Widows, Orphans, Merchants,  
 and Traders, will be at one stroke routed and removed  
 from the Possessions of their Lands and Improvements,  
 which in many places are more in value, than the Township  
 whereon they are made. This, with Submission, without some  
 Fraud, Deceit, or Default of the Purchaser, never was,  
 and it is hoped, never will be done by a People or Nation  
 professing Christianity: Nor is it for the Honour, Welfare,  
 or Advantage of the King or Kingdom, to have it so done,  
 what will Strangers, and our Fellow-Subjects of *England*  
 and *Scotland* say? We sold our Estates in *England*, to purchase,  
 improve and plant there: We acquired Lands under as secure  
 Titles as Acts of Parliament (the greatest known Security)  
 could make them. Our Conveyances both by Deeds and  
 Matters of Record are allowed good, firm and unquestionable  
 by any Law in force at the time of the Purchase. We  
 have had the Possession ten, twelve, or fifteen Years, and  
 are grown old upon them. We have clearly drawn our  
 Effects from *England* and settled here, not doubting but  
 our Posterity might be so likewise. We have purchased  
 Annuities and Rent-Charges, out of Lands out of the same  
 Securities: And now the old Proprietors (tho many of them  
 had satisfaction in *Connaught*) would fain have a new  
 Law to dispossess us of our Estates and Improvements  
 made as aforesaid. It will not be believed, that the  
 chief of those who drive on this Design, should in  
 Parliament, and elsewhere, which ought to consist of the  
 gravest, wisest, and wealthiest Free-Holders of the  
 Kingdom, (for such the Law presumes them) make a  
 noise with that good and wholesome Advice — *Caveat*  
*emptor* in this Case; or think that *Caveat* is proper  
 here



‘The Purchaser ought to be wary of any Flaw in the Title, at the time of the Purchase made, and purchase at his Peril, if any such there be. But who is that Purchaser that must beware of a Law to be made twenty, thirty, or forty Years after his Purchase, or to destroy his Security for Money lent, or Settlement upon Marriage? This is not a defect in the Title, but (under favour) is a precedent which no human Foresight can prevent; and if once introduced, no Purchaser could ever be safe: The worst of Lotteries affording a securer Way of dealing, than *Ireland* would.

‘Can it be for your Majesty’s Honour or Advantage to have Thousands of Families ruined by such a Proceeding as this is? What will become of our Credit, and consequently of our Trade abroad? Where will be the Reputation and Publick Faith and Security of the Kingdom, when Foreign Merchants shall know from their Correspondence here, that they cannot comply with their Engagements to them, their Estates, Houses, and Improvements both in Country and City, which they had acquired for great and valuable Considerations, and within the Securities of the Laws, are taken from them by a Law made Yesterday, in case this Bill should pass? So that in effect, we are not only contriving to break and ruin common Traders and Merchants at home, but even those in Foreign Parts, which will infallibly destroy your Majesty’s Revenue, and sink that of every Subject.

‘Surely these Particulars and the Consequences of them, are worth more than two or three Days Consideration: Which is as much as this Bill could have since the Parliament was not open’d till the seventh of this Month.

‘The very Report of what is design’d by this Bill, hath already from the most improved and improving Spot of Earth in *Europe*; from stately Herds and Flocks; from plenty of Money at 7 or 8 per Cent. whereby Trade and Industry were encouraged (and all upon the Security of those Acts of Parliament) from great and convenient Buildings newly erected in Cities and other Corporations, to that degree, that even the City of *Dublin*, is, since the passing of these Acts, and the Security and Quiet promised from them, enlarged to double what it was; and the Shipping in divers Ports were five or six times more than ever was known be-

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'It is grievous to see, as you pass thro' this City, the Houses and Shops shut up? The Herds and Flocks in the Country, are utterly destroy'd; so that of necessity the Tenant must break, throw up his Lease, leave the Key under the Door, and the Lands become waste; and from hence will necessarily follow, that the Farm-houses and Improvements must go to decay, and Beef, Tallow, Hides, Wool and Butter (from whence arises the Wealth of the Country) will fail us.

'What is become of the frequent Declarations made by the Earl of *Clarendon*, and the Earl (now Duke) of *Tyrconnel*, of your Majesty's first Resolution, never to lay aside the Acts of Settlement and Explanation? Why did the Judges in their several Circuits, declare in all places where they sat, unto the Countries there assembled, that your Majesty was resolved to preserve the Acts of Settlement and Explanation, and that they were appointed by the then Chief Governour here, to declare the same unto them? From whence they took confidence to proceed in their Purchases and Improvements; and (with submission be it spoken) if this Bill pass, are deluded. Shall Patents on the Commission of Grace signify nothing? The great Seal of *England* tells them, *they may proceed upon the publick Faith*; and here again they become Purchasers, paying considerable Fines to the King, to whom Rents were reserved where none were due before, and in many places the Rent increased; as in case of Fairs and Markets granted, together with the Lands on them, Patents of Liberties of Free Warren, and to enclose and impale for Park; surely some consideration ought to be had of those whose Money was paid on this account.

'It would be further considered, That your Majesty before your Access to the Crown, had passed several Lands and Tenements in this Kingdom in Certificate  
'and

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and Patent, pursuant to these Acts of Settlement; and that you made Leases of them, on which many and great Improvements have been made. It is likewise true, that your Majesty sold and exchanged some small proportions of the same Lands, and received in Money twelve Years Purchase, for some of them; some of which your Majesty convey'd by Fines, and other Assurances in Law: And tho' your Majesty may, if it seem meet unto you, part with all that Estate, yet it is humbly conceiv'd, it ought to be with reservation to the Lessees, and those few Purchasers, as it was done by *Mary Queen of England*, who, tho' zealous in the highest Degree, to the Religion she profess'd, and that she restored such part of Lands belonging unto Monasteries, as remained in her Hands undispos'd, did nevertheless permit the Grantees and Purchasers quietly and peaceably to retain such part of them as they were possess'd of by Grant or Purchase, and which (for ought appearing) is enjoy'd by them, and those deriving under them, to this Day, tho' she came to the Crown within few Years after passing the Act for Dissolving Monasteries: For if no Consideration be had of them, your Majesty gives away the Term of Years and Improvements from your Lessees, and the Land from him to whom your Majesty sold it, without restoring the Purchase Money, than which no case can be harder; and without your Royal Assent, neither of these can be done.

For the Objections commonly made against the Acts of Settlement and Explanation, which are usually, *That many Innocents were never heard, and that there was not time sufficient for hearing of them.* But how this should affect those who purchased after the Acts pass'd, and Certificates and Letters Patents pass'd on them, is not demonstrable from any Rule of Law or Equity.

The Person designing to purchase, enquires whether the Title of the Land or Tenement to be sold, be good in Law or Equity; and being assured in that, he forbears farther enquiry, being assured that never any Purchaser in Possession, having Law and Equity on his side, was dispossest by any Person whatsoever, upon ground of Equity; and the Purchaser here hath the Law with him by the Acts of Settlement, and the Equity by the Payment of his Money.



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‘ It is to be wished, that if Widows, Orphans, or any other Persons have fallen under hardship by the general Settlement of the Kingdom, that some way may be devised to make them Reparation; but the way prescribed by this Bill, is to rob the innocent Purchasers, Creditors and Orphans of their Estate, to do it contrary to the Publick Faith, Laws of the Land, and Precept of Holy Scripture, *which forbids doing of Evil, that Good may come thereof.*

‘ Its manifest by what has been said, That if this Bill proceed, as is now contrived, that all the Protestants in the Kingdom, are undoubtedly and without reserve ruined; since the *Rapparees* (that is, the Armed Multitude) have taken away all their moveable Estates; and this design is to take away all the Lands and Tenements purchased by them.

‘ The thriving Catholicks, who were Purchasers (as most of the Province of *Connaught* are) are likewise to be turned out of their Estates and Possessions, and their own, and the Improvements of those who hold under them utterly lost.

‘ As to the Politick part which these great Statesmen, who drive on this Bill, make mention of, that will be worthy of consideration: It’s said, that this will unite your Majesty’s Subjects in this Kingdom: That is too gross to pass. Since the first mentioning thereof, hath it not made a Division and Breach betwixt them? Nay, where there was none before: And doth it not grow daily wider? It was never heard, that Accommodations, where all in contest was given to one of the Parties, made an Union and Friendship? It is so far the contrary, that where nothing is awarded to one of the Parties, it makes the whole award void and of none effect; and admitting the old Proprietor had right, it is not enough, except he have it against the Purchaser: And if the Design be what is pretended, to restore this Kingdom to the Peace and Plenty it flourished in some Years since, to unite your Majesty’s Subjects, whereby they may be enabled, according to their Duty and Allegiance, to restore your Majesty to the Exercise of your Royal Dignity in all your Kingdoms; this can never be effected, except all Pretenders recede in some Degree from the full of their Pretensions for the Accommodation of the whole; and publick Quiet and Safety.

‘ Would

Would it not be an unreasonable thing, in a Cargo where divers Merchants are concern'd, and have Goods and Merchandizes in a Storm, to throw out by Consent the Goods of any Merchant, tho' in the bottom of the Hold, and hardest to come by,, for the safety of all concerned, without Satisfaction given him, by a Contribution from those who had the Advantage of it? Or if it could not be done, or had time for it, were it not much more just that the Loss should be equally divided amongst them, by throwing out a just Proportion from all concerned, than to single out one part of the People, and by their Ruin to advance the other? This is not, in my Judgment, the readiest way of uniting them.

Suffer me to make one Step more, and Query, *Whether the Catholick Purchasers now to be turn'd out of Possession, will join heartily with those that enter upon them?* Farewel Trade and Commerce, where Acts of Parliament shall be made to destroy Securities that were good when made: Farewel all Improvements in *Ireland*, where no Man shall ever know what Estate he hath, if the Foundation of the general Settlement should now be undone.

I cannot foresee what the Consequences may be of having it published and made known, in your Majesty's other Kingdoms and Dominions, and elsewhere where the Protestant Religion is professed, that such a Proposal as this (in relation to such of your Protestant Subjects as have made no Defection) hath been prepared for your Majesty's Consideration, in order to be passed into a Law, and this when they were secured by the Laws of the Land; and there is not so much as Common Equity to question the Title by which they held: That nevertheless use should be made of the Legislative Power to enact a new Law, after so many Assurances given them to the contrary, and after so many Years quiet Possession, to turn them out of their Estates altogether.

It is much to be feared, that those who first advised this Method of Proceedings, have considered their own particular Advantage, and that of their Friends and Relations, without the least Thoughts of your Majesty's Service: For surely this can never be thought so, nor the way to settle this Kingdom, whereby it may be serviceable to your Majesty; nor can it be imagin-

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ed, but that Men thus despoil'd, will, as often as Parliaments shall be called, make Application for Redress and Repeal, as in case of the *Spencers*, to repeal a Repeal; and they and their Posterity will be always soliciting your Majesty and your Successors, to give them Relief in a Case of so great Moment and General Concern as that is.

As for the Reprisals mentioned to be made them out of the Rebels Estate, which must be conceived (to give any Colour to this manner of Proceeding) and ought to be equal to the Estate which the Proprietors shall be outed of, that will be very uncertain: For it must be known who the Rebels are, and what their Lands amount to, since it may be probably concluded, that there are many of your Subjects now in *England*, noway concerned in the Rebellion, and would have been this attended your Majesty here, if they had not been hindred from coming by Durefs and Imbargo, and many other legal and justifiable Excuses, too long for this present Paper; and withal, that where any of them are seized of any new Estates, so much must be restored to the old Proprietors, and what is old, will be subject to their Settlements and their Incumbrances.

After all this, it is in the Power of your Majesty to prevent the total Ruin of so many of your Subjects, as have been Purchasers and Improvers in this Kingdom, by prescribing more moderate ways, than depriving them of the whole, of what they have legally and industriously acquired: And that the Committees of both Houses may hear and enquire, whether any Medium may be found out betwixt the Extrems, for the accommodating (as near as may be) the Purchaser and the old Proprietor; so that if there be cause of Complaint, it may not arise from a total Disappointment of either Party. This is a little of what might be said on this Occasion; but the haste of those who drive on this Bill, will allow no farther time at present.

*It is proposed, that his Majesty will hear Council on this Occasion.*

When the late King had read this Address, he for Answer said, That he would not do Evil that Good might come on't; which seem'd to be a Denial of his Endeavour

your



your to prevent the Bill from coming into an Act; tho' the Evil in preventing it, I cannot see. So the Act at last passed, contrary to most People's Expectations of any Sense and Reason; yet it could not be expected otherwise; for most of both Houses consisted of the Sons and Descendants of those Persons that had forfeited their Estates, for their inhuman Rebellion in the Year 1641. and these Members had most of them no Freeholds or Estates in the Kingdom, but they were purposely elected to make themselves Estates, by taking them away from Protestants. Further it is plain, if the late King did not like these Proceedings, and had deny'd his Concurrence to the said Act, it would be detrimental to him; if you consider, that the whole Dependence at that time was in Roman Catholicks: So that, I say, if the King had disliked of this Bill, (tho' Dr. King in his State of Ireland, says, that he was much for it) yet there was some manner of Compulsion upon him to pass it into an Act; which (if I mistake not) he signified in his Answer to Justice Keating's Address, as you have already heard; but however it stood with the late King's Will in this Point, it is certain, the Act was very unjust in it self; for the Lands forfeited by the Rebellion in 1641. set out to the Soldiers that had ventured their Lives and Fortunes in quelling the Rebellion, and many of these had sold them at 12 or 15 Years Purchase; The Purchasers had built fair Houses and Villages on them, inclosed Deer Parks, planted Orchards and Gardens, and had laid out vast Sums in such and other Improvements, and to turn those out without any Consideration, was a thing of Injustice and Barbarity to the innocent Purchasers. But enough of this.

Another Act made by this Parliament, was entitled, *An Act for Attainder of divers Rebels, and for preserving the Interest of Loyal Subjects*; which, for divers Reasons, I am induced to insert here: It runs as followeth.

WE humbly beseech your Majesty, the Commons in Irish Act this present Parliament assembled, That whereas of late a most horrible Invasion was made by your unnatural tainder. Enemy the Prince of Orange, invited thereunto, and assisted by many of your Majesty's Rebellious and Traiterous Subjects of your Majesty's Dominions; and such their Inviting and Assisting made manifest, by their perfidious Deserting your Majesty's Service; in which, by

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your many Princely Obligations, besides their Natural Duties, they were bounden; and having likewise to obtain their wicked Ends, raised and levied open Rebellion and War in several Places in this Kingdom, and entered into Associations, and met in Conventions, in order to call in and set up the said Prince of *Orange*, as well in *Ulster* and *Connaught*, as in the other Provinces of *Munster* and *Lainster*: To quell which, your Sacred Majesty's late Deputy in this Kingdom, *Richard* then Earl, and now Duke of *Tyrconnel*, before your Majesty's happy Arrival in this Kingdom, and your Sacred Majesty since your Arrival here, have been necessitated to raise an Army, to your Majesty's great Charge and Expence. And tho' the said Rebels and Traytors, after having the Impudence to declare for the Prince and Princess of *Orange*, against your Sacred Majesty, were with all Mildness and Humility called in to their Allegiance, by Proclamations and Promises of Pardon for their past Offences, and Protection for the future: And tho' some of the said Proclamations assured Pardon to all such as should submit themselves; and that no Persons were excepted in the last Proclamation besides very few, not exceeding Ten in Number, and few or none of any Note came in, in Obedience thereunto; and that very many of the Persons who came in upon Protections, and took the Oath of Allegiance to your Majesty, were afterwards found amongst the Rebels in open Arms and Hostility, when taken Prisoners or killed, such Protections being found with them. So Villainous were they, by adding Perjury to their former Crimes, *That it may be Enacted, and be it Enacted*, by your most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by Authority of the same, That all those Persons who have notoriously joined in the said Rebellion and Invasion, and some of which are upon Indictments condemn'd, some executed for High Treason, and the rest run away, or abscond, or are now in the actual Service of the Prince of *Orange* against your Majesty, and others kill'd in open Rebellion, or now in Arms against your Majesty, or otherwise, and every of them, shall be deemed, taken and reputed, and are hereby declared and adjudged Traytors, convicted and attained of High Treason, and shall suffer such Pains of Death, Penalties and Forfeitures respectively, as in Cases of High Treason.

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Treason are accustomed. *Provided*, that in case it happen, that any of the Persons hereby Attainted, do now abide or dwell in this Kingdom, and are amenable to the Law, that then, and in such case, if such Person and Persons do by the 10th day of *August*, One Thousand Six Hundred Eighty Nine, without Compulsion, of his own accord, come in and deliver himself to the Lord Chief Justice of your Majesty's Court of *King's-Bench* in *Ireland*, or to any other Judges of the said Court, or of any other of your Majesty's four Courts in *Dublin*, or to any Judge of Assize in their Circuits, to be charged with any Treason, to be charged or imputed to him or them; that then and in such case, such Person or Persons (if after acquitted by the Laws of this Land, or discharged by Proclamation) shall be freed, discharged and acquitted, from all Pains, Punishments, and Forfeitures by this Act incurr'd, laid, or imposed; any thing in this Act to the contrary in any wise notwithstanding.

*And whereas* the several Persons hereafter named, *viz.* *John Veasy*, Lord Archbishop of *Tuum*, &c. have absented themselves from this Kingdom, and have gone into *England*, or some other Places beyond the Seas, since the 5th day of *November* last, or in short time before, and did not return, altho' recalled home by your Majesty's Gracious Proclamation. Which absenting, and not returning, cannot be construed otherwise than to a Wicked and Traiterous Purpose, and may thereby justly forfeit all their Right and Pretensions to all and every the Lands, Tenements, and Hereditaments to them belonging in this Kingdom. *Be it therefore Enacted* by the Authority aforesaid, That in case the said Person or Persons do not by the first day of *September*, One Thousand Six Hundred Eighty and Nine, of his or their own accord, without Compulsion, return into this Kingdom, and tender him and themselves to the Chief Justice of his Majesty's Court of *King's-Bench*, or to some other Judge of the said Court, or Judge of Assize in the Circuit, or any of the Lords of your Majesty's most Honourable Privy-Council, to be charged with any Crimes to him or them to be imputed, that then, or in such case he or they, upon such his or their Return, shall be convicted by Verdict of twelve Men, or by his or their own Confession, upon his or their Arraignment for Treason, or upon his or their Arraignment stand mute, such Person and Persons so absent, and not returning, as aforesaid,



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foreſaid, (or after his or their Return, being convict of High Treason, as aforeſaid) ſhall from and after the firſt day of *September*, One Thouſand Six Hundred Eighty Nine, be deemed, reputed, and taken as Traytors, Convict and Attainted of High Treason, and ſhall ſuffer ſuch Pains of Death, and other Forfeitures and Penalties, as in Caſes of High Treason are accuſtomed. But in caſe ſuch Perſon or Perſons ſo returning, be upon his or their Tryal acquitted or diſcharged by Proclamation, then ſuch Perſon and Perſons reſpectively, ſhall from henceforth be freed, diſcharged, and acquitted from all Pains, Punishments and Forfeitures by this Act incurred, laid, or impoſed; any thing in this Act to the contrary notwithstanding.

And whereas the ſeveral Perſons hereafter named, *viz. Robert Ridgway, Earl of Londonderry, &c.* have before the ſaid fifth day of *November* laſt, abſented themſelves from this Kingdom, and live in *England, Scotland, or the Iſle of Man*, and there now abide; and by their not coming or returning into this Kingdom upon your Maſteſty's Proclamation, to aſſiſt in Defence of this Realm, according to their Allegiance, muſt be preſumed to adhere to the ſaid Prince of *Orange*, in caſe they return not within the time by this Act preſcribed, and thereby may juſtly forfeit all the Lands, Tenements and Hereditaments which they or any of them are entitled unto, within this Kingdom. Be it therefore Enacted by the Authority aforeſaid, That in caſe the ſaid Perſon and Perſons laſt mentioned, do not by the firſt day of *October*, One Thouſand Six Hundred Eighty Nine, of his and their own accord, without Compulſion, return into this Kingdom, and tender him and themſelves to the Chief Juſtice of your Maſteſty's Court of *King's-Bench*, or to ſome other Judge of the ſaid Court, or Judge of Aſſize in his Circuit, or to any of the Lords of your Maſteſty's moſt Honourable Privy-Council, to be charged with any Crime or Crimes to him or them to be charged or imputed, that then, or in caſe he or they, upon ſuch his or their Return, ſhall be convict by Verdict of twelve Men, or by his or their own Confeſſion, upon his or their Arraignment for Treason, or upon his or their Arraignment ſtand mute, ſuch Perſon and Perſons ſo abſent, and not returning as aforeſaid, or after his or their Return being convict of Treason as aforeſaid, ſhall from and after the firſt day of *October*, One Thouſand Six Hundred Eighty Nine, be deemed,

deemed, reputed, and taken as Traytors, convict and attainted of High Treason, and shall suffer such Pains of Death, and other Forfeitures and Penalties as in Cases of High Treason is accustomed: But in case such Person and Persons so returning, upon such his or their Tryal, be acquitted or discharged by Proclamation, then such Person and Persons respectively, shall from thenceforth be freed, discharged, and acquitted from all Pains, Punishments and Forfeitures by this Act incurred, laid or imposed, any thing in this Act to the contrary notwithstanding.

*Provided* always, that in case your Majesty shall happen to go into the Kingdom of *England* or *Scotland*, before the first day of *October*, One Thousand Six Hundred Eighty Nine, the said Sir *William Meredith*, &c. whose Dwelling and Residence always hath been in *England*, shall give your Majesty such Testimony of their Loyalty and Fidelity, as that your Majesty will be pleased on or before the first day of *October*, One Thousand Six Hundred Eighty Nine, to certify under your Privy Signet or Sign Manual unto your Chief Governour or Governours of this Kingdom; That your Majesty is satisfied or assured of the Loyalty and Fidelity of the Persons last included, or of any of them; That then if such Certificate shall on or before the first day of *November*, One Thousand Six Hundred Eighty Nine, be produced to your Chief Governour or Governours of this Kingdom, and Enrolled to your Majesty's High Court of Chancery; the same shall be a sufficient Discharge and Acquittal to such of the said Persons last included, and every of them respectively, whose Loyalty and Fidelity your Majesty will be pleased to certify in manner as aforesaid.

*And be it further Enacted*, That in the mean time and until such Return and Acquittal, all the Lands, Tenements and Hereditaments within this Kingdom, belonging to all and every Absentee and Absentees, or other Person, to be attainted as aforesaid, shall be and are hereby vested in your Majesty, your Heirs and Successors, as from the first day of *August* last past.

*And be it further Enacted by the Authority aforesaid*, That all and every such Person and Persons, as by any the foregoing Clauses, is, are, or shall be respectively Attainted, shall as from the first day of *August*, One Thousand Six Hundred Eighty Eight, forfeit unto your Majesty, your Heirs and Successors, all such Mannors, Lands,

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Lands, Tenements, and Hereditaments, and all Right, Title, Service, Chiefery, Use, Trust, Condition, Fee, Rent-Charge, Right of Redemption of Mortgages, Right of Entries, Right of Action, or any other Interest of what nature or kind soever, either in Law or Equity, of, in, or unto any Lands, Tenements, or Hereditaments within this Kingdom, belonging or appertaining to such Person or Persons, so as aforesaid Attainted, or to be Attainted, in his or their own Right, or to any other in Trust for him or them, on the said first day of *August*, One Thousand Six Hundred Eighty Eight, or at any time since; and all the said Lands, Tenements and Hereditaments, so as aforesaid, forfeited unto and vested in your Majesty, your Heirs and Successors, hereby are and shall be vested in your Majesty, your Heirs and Successors, whether such Person or Persons were seized thereof in Fee Absolute or Conditional, or in Tail, or for Life or Lives, and that freed or freely discharged of and from all Estates in Tail, and for Life, and from all Reversions and Remainders for Life, for Years, or in Fee Absolute or Conditional, or in Tail, or to any Person or Persons whatsoever, such Remainder as by one Act or Statute of this present Parliament, entituled, *An Act for Repealing the Acts of Settlement and Explanation*; Resolution of Doubts, and all Grants, Patents, and Certificates pursuant to them, or any of them, or by this present Act are saved and preserved, always excepted and fore-prized.

*Provided* always, that the Nocency or Forfeiture of any Tenant in Dower, Tenant by the Courtesy, Jointress for Life, or other Tenant for Life or Lives in actual Possession, shall not extend to bar, forfeit, make void, or discharge any Reversion or Reversions vested in any Person or Persons, not engaged in the Usurpation or Rebellion aforesaid, such Reversion or Reversions being immediately depending or expectant upon the particular Estate of such Tenant in Dower, Tenant by the Courtesy, Jointures for Life, or other Tenant for Life or Lives; any thing in the said Act of Repeal, or in this present Act to the contrary notwithstanding.

*Provided* always, and be it further Enacted by the Authority aforesaid, That nothing in this Present Act contained, shall any way extend, or be construed to extend, to forfeit or vest in your Majesty, your Heirs and Successors, any Remainder or Remainders for valuable

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considerations, limited or settled by any Settlement or conveyance made for such valuable Considerations, either of Marriage or Marriage Portion, or other valuable consideration whatsoever, upon any Estate for Life or Lives, to any Person or Persons not concerned in the Surpation or Rebellion aforesaid: Such Remainder or remainders as are limited or settled by any Conveyance, wherein there is any Power for revoking and altering all or any the Use or Uses therein limited, and also such remainder and remainders as are limited upon any settlement or Conveyance of any Lands, Tenements, and Hereditaments held or enjoyed under such Grants from the Crown, or Grants upon the Commission or Commissions of Grace for Remedy of defective Titles, either in the Reign of King *James* the First, or King *Charles* the First; in which several Grants respectively, there are Provisoos or Covenants for raising or keeping any number of Men or Arms for the King's Majesty against Rebels and Enemies, or for raising of Men for his Majesty's Service, for Expedition of War, always excepted and fore-prized. All which Remainders limited by such Conveyances wherein there is a Power of Revocation for so much of the Lands, Uses, and Estates therein limited, as the said Power doth or shall extend unto; and all such Remainders as are deriv'd or limited for or under such Interest made of Plantation Lands, or other Lands held as aforesaid, under such Grants from the Crown; and all and every other Remainder and Remainders, Reversion and Reversions not herein mentioned, to be saved and preserved, shall by the Authority of this present Parliament, be deemed, construed and adjudged void, debarred and discharged to all Intents and Purposes whatsoever, against your Majesty, your Heirs and Successors, and your and their Grantees or Assignees; and the said Lands, Tenements, and Hereditaments, belonging to such Rebels as aforesaid, shall be vested in your Majesty, your Heirs and Successors, freed and discharged of the said Remainder and Remainders, and every of them. And to the end the Reversions and Remainders saved and preserved by this Act, may appear with all convenient speed.

*Be it Enacted by the Authority aforesaid, That the respective Persons, entitled to such Remainders and Reversions, do within sixty Days next after the first sitting of the Commissioners, for executing the said Act of Repeal,*

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*peal*, and this present Act, exhibit their Claims before the said Commissioners, and make out their Titles to such Remainder or Remainders, so as to procure their Adjudication or Certificate of some three or more of them: And further, that all Remainders, for which such Adjudications and Certificates shall not be procured at or before One hundred and twenty Days after the first sitting of the said Commissioners, shall be void, and forever barred and excluded; any thing in this Act, or other matter to the contrary in any wise notwithstanding. All which Lands, Tenements and Hereditaments mentioned as aforesaid, to be forfeited unto and vested in your Majesty, by any the Clauses aforesaid, are hereby declared to be so forfeited unto, and vested in your Majesty, without any Office or Inquisition thereof, found or to be found; and the same to be to the Uses, Intents and Purposes in the said *Act of Repeal*, and in this present Act mentioned and exposed.

And whereas several Persons hereafter named, *viz.* *Lyonel Earl of Orrery*, &c. are, and for some time past have been absent out of this Kingdom, and by reason of Sickness, Nonage, Infirmities, or other Disabilities, may for some time further be obliged so to stay out of this Kingdom, or be disabled to return thereunto. Nevertheless, it being much to the weakning and impoverishing of this Realm, that any of the Rents or Profits of the Lands, Tenements and Hereditaments therein, should be sent into, or spent in any other place beyond the Seas, but that the same should be kept and employed within the Realm, for the better support and defence thereof.

*Be it further Enacted by the Authority aforesaid*, That all the Lands, Tenements and Hereditaments, Use, Trust, Possession, Reversion, Remainder, and all and every other Estate, Title and Interest whatsoever, belonging or appertaining to all and every of the Persons herein before last mentioned, within this Kingdom, be and are hereby vested in your Majesty, your Heirs and Successors, to the Use of your Majesty, your Heirs and Successors.

*Provided Always*, That if any Person or Persons, in the next foregoing Clause included, have hitherto behaved themselves Loyally and Faithfully to your Majesty; that then, if they or any of them, their or any of their Heirs, do hereafter return into this Kingdom, and behave him or themselves as becometh Loyal Subjects; and do, on or before the last day of the First Term next ensuing,

insuing, after such their return, exhibit his or their Petition or Claim, before the Commissioners for the Execution of the said Act, if then sitting; or in his Majesty's High Court of Chancery, or in his Majesty's Court of Exchequer, for any such Lands, Tenements, or Hereditaments, and make out his or their Title therunto, and obtain the Adjudication and Decree of any of the said Courts, of and for such his or their Title, That then, and in such case, such Adjudication or Decree shall be sufficient to all such Person or Persons, for divesting and restoring such Estate, and no other as shall be therein and thereby to him or them adjudged or decreed; and that the Order of any of the said Courts shall be a sufficient Warrant to all Sheriffs, or other proper Officers to whom the same shall be directed, to put such Person or Persons in the actual Seizin and Possession of the said Lands; any thing in this Act contained, or any other Statute, Law, or Custom whatsoever to the contrary in any wise notwithstanding.

*Provided always, and be it further Enacted by the Authority aforesaid, That neither the said Act of Repeal, or this present, or any thing in them, or in either of them contained, shall extend to, or be construed to forfeit or vest in your Majesty, your Heirs or Successors, or otherwise to bar, extinguish, or weaken any Right of Entry, Right of Action, Use, Trust, Lease, Condition or Equity of Redemption of any Mortgage or Mortgages, which on the first day of August, One thousand six hundred eighty Eight, continued or remained in such Persons, not being forfeiting Persons, within the true intent and meaning of the said Act of Repeal, or of this present Act; and whichever since the first day of August, One thousand six hundred eight eight, continued or remained in such Persons, not being Forfeiting Persons, or Devolved, Descended, or come from them, or any of them, or any of their Heirs, Executors or Administrators, not being forfeiting Persons as aforesaid, any thing in this Act, or the said Act of Repeal, to the contrary notwithstanding.*

*Provided always, That the said Person or Persons, claiming such Right of Entry, Right of Action, Use, Trust, Lease, Condition, or Equity of Redemption of Mortgage, do, and shall exhibit his and their Claim for the same, before the Commissioners for Execution of the said Act of Repeal, or of this present Act, within six days*



days after the first sitting of the said Commissioners, to produce the Adjudication of them, or any three or more of them thereupon, within One hundred and twenty days after the said first sitting of the said Commissioners.

And whereas by one or more Office or Officers, in the time of the Earl of *Strafford's* Government in this Kingdom, in the Reign of King *Charles* the First, of ever Blessed Memory, all, or a great part of the Lands, Tenements and Hereditaments in the Province of *Conaugh* and Counties of *Clare*, *Limerick*, and *Tipperary*, were vested in his Majesty: And by the *Acts of Settlement and Explanation*, the said Office and Officers are declared to be null and void, since which time the said Acts have been by the said *Act of Repeal* repealed, and thereby some Prejudice might arise or accrue to the Proprietors concerned in them Lands, if not prevented.

Be it therefore Enacted by the Authority aforesaid, That the said Office and Offices, and every of them, commonly called the *Grand Office*, and the Title thereby found, or endeavoured to be made out or set up, from the time of the finding or taking thereof, was and is hereby declared to be Null and Void, to all Intents and Purposes whatsoever.

Provided that nothing therein contained, shall any way extend, or be construed to extend, to charge any Person or Persons who hath, *bona Fide*, paid any Rents or Arrears of Rent, that have been due and payable out of any Lands hereby vested in your Majesty; or to charge any Steward or Receiver, that received any such Rents, or Arrears of Rent, if he, *bona fide*, paid the same; but that he and they be hereby discharged for so much as he or they so, *bona fide*, paid, against your Majesty, your Majesty, your Heirs and Successors.

Provided always, and it is hereby Enacted, That every Person, not being a Forfeiting Person, within the true intent and meaning of the said former Act, or of this present Act; and who before the seventh Day of *May*, One thousand six hundred eighty nine, had any Statute Staple, or Recognizance for payment of Mony, which might charge any of the Estates, Lands, Tenements, or Hereditaments, so as aforesaid forfeited unto, and vested in your Majesty, shall and may have the Benefit of the said Statutes Staple, Judgments, Recognizances, Mortgages, Rent-Charge, Portions, Trust, and other Incumbrances, out of the Estate or Estates, which should

liable thereunto, in case the said former Act, or this present Act had never been made. Provided always, that the Person and Persons who had such Statutes, Staple-Judgments, Recognizances, or other Trusts of Incumbrances, do claim the same before the Commissioners; for the Execution of the said former Act, within two Months after the first sitting of the said Commissioners; and procure their Adjudication thereof, within such reasonable time as the said Commissioners shall appoint for determining the same. And to the end, that such Person and Persons as shall have any of the said Lands, Tenements, or Hereditaments granted unto him as aforesaid, may know the clear Value of the said Lands, Tenements, and Hereditaments so to be granted unto him above all Incumbrances, and may enjoy the same against all Statutes Staple, Judgments, Recognizances, Mortgages, Rent-Charges, and other Incumbrances not claimed and adjudged as aforesaid :

*Be it therefore Enacted by the Authority aforesaid, That* all such Lands, Tenements and Hereditaments, as shall be forfeited unto and vested in your Majesty, and granted by Letters Patents pursuant to the said former Act, or this present Act, shall be, and are hereby freed, acquitted and discharged of, and from all Estates, Charges and Incumbrances whatsoever, other than what shall be claimed and adjudged as aforesaid.

*And whereas* by one private Act of Parliament, intituled, *An Act for securing several Lands, Tenements, and Hereditaments to George Duke of Albemarle*, which Act was passed in the Reign of King Charles the Second; some Lands, Tenements and Hereditaments in this Kingdom, which on the two and twentieth Day of October, One thousand six hundred forty one, belonged to some ancient Proprietor or Proprietors, who were dispossessed thereof by the late usurped Powers, were secured and assured unto the said George Duke of Albemarle, by means whereof, the ancient Proprietors of the said Lands may be barred and deprived of their ancient Estates, unless the said Act be repealed, though such ancient Proprietor or Proprietors be as justly intituled to Restitution, as other ancient Proprietors who were dispossessed by the said Usurper; and barred by the late Acts of Settlement and Explanation :

*Be it therefore enacted, That the said Act for securing of several Lands, Tenements, and Hereditaments to*

*George Duke of Albemarle*, be, and is hereby repealed to all Intents and Purposes whatsoever: And that the Proprietors of the said Lands, and their Heirs and Assigns be restored to their said ancient Estates in the same manner with the said other ancient Proprietors, their Heirs and Assigns. And whereas several ancient Proprietors, whose Estates were seized and vested in Persons, deriving a Title under the said Acts of Settlement or Explanation, have in some time after the passing of the said Acts, purchased their own ancient Estates, or part thereof, from the Persons who held the same under the said Acts as aforesaid, which old Proprietors would now be restored to their said ancient Estates, if they had not purchased the same. And for as much as the said ancient Proprietors or their Heirs should receive no Benefit of the said *Act of Repeal*, should they not be reprimed for the Money paid by them for their said ancient Estates.

Be it therefore Enacted, by the Authority aforesaid, That all and every the ancient Proprietor or Proprietors, or their Heirs, who have laid out any Sum or Sums of Money, for the Purchase of their own ancient Estates, or any part thereof, as aforesaid, shall receive out of the common Stock of Reprimals, a sufficient Recompence and Satisfaction for the Money laid out or paid by him or them, for the Purchase of their said ancient Estates, at the Rate of ten Years Purchase; any Clause, Act or Statute, to the contrary in any wise notwithstanding.

And for the Prevention of all unnecessary Delays and unjust Charges, which can or may happen to the Subjects of this Realm, before their full and final Settlement: Be it further enacted, by the Authority aforesaid, That where the Commissioners for Execution of the said *Act of Repeal*, or any three or more of them, shall give any Certificate under his and their Hands and Seals to any Person or Persons, Bodies Politick, or Corporate, in order to the passing of any Letters Patents, according to the said Act, and shall likewise return a Duplicate of such Certificate into his Majesty's Court of Exchequer at *Dublin*, to be there enrolled, and the Person and Persons, Bodies Politick or Corporate, to whom such Certificate shall be given, shall during the space of six Months next ensuing the Date hereof, diligently Prosecute the having and obtaining Letters Patents accordingly, but shall thereof be delayed and hindered by



the Neglect of any Officer or Officers; that then, and in such Case the several and respective Persons, Bodies Politick and Corporate, to whom and in whose Behalf such Certificate shall be given or granted, shall hold and enjoy the several Messuages, Mannors, Lands, Tenements and Hereditaments, in the several and respective Certificates mentioned and allotted, according to such Estate, and under such Rent as is therein mentioned; as fully and amply to all Intents and Purposes, as if Letters Patents thereof had been granted and perfected according to the Direction in the said former Act; any thing in this, or the said former Act, or any other Law, Statute, or Usage to the contrary notwithstanding.

And whereas, by the Hardships and Oppressions introduced by the said Act of Settlement and Explanation, some ancient Proprietors who would have been restorable by the said *Act of Repeal*, have been necessitated to accept of Leases for Life, Lives or Years, or Gifts in Tayl, or other Conveyances of their own respective Estates, and have contracted to pay some Rents, Duties, or other Reservations out of such their ancient Estates, by which Acceptance of Leases or Gifts before-mentioned, and by the said Agreements to pay Rents, Duties or Reservations for the same, the said ancient Proprietors may be barred or stopped, and excluded from the Benefit of Restitution, intended for ancient Proprietors by the said *Act of Repeal*.

Be it therefore enacted, That the Acceptance of any such Lease or Leases, Gift or Gifts in Tayl, or any Agreement or Agreements upon any such Account for Payment of Rents, Duties, or any other Reservation for such their respective ancient Estate or Estates, shall be no way prejudicial or binding, or conclusive to any such ancient Proprietor, or to his or their Heirs, Executors, Administrators, who have not actually by some legal Ways or Means, released his or their Right to his or their said ancient Estates, unto their said Lessors or Donors, any thing herein, or in the said *Act of Repeal*, to the contrary notwithstanding.

Whereas some or most of the Lands to be given in Commutation of Tithes, have not been surveyed by the Surveys, commonly called the *Down Survey*, or *Strafford Survey*; and that a certain Way is necessary to be prescribed for ascertaining the Quit-Rents, now made payable thereout.

*Be it therefore enacted, by the Authority aforesaid, That* the Commissioners for the Execution of the said *Act of Repeal*, or any three of them, shall and may be empowered to ascertain such Quantities payable out of such Lands so to be given in Reprize, and to that Purpose to issue Commissions for Valuations or Surveys, as they shall think fit; and that such Surveys shall be made according to the Rules and Methods used for the *Domesday Survey*, wherein the profitable is to be thrown in with the unprofitable; and where the Lands appear barren or the Quit-Rents by the said *Act of Repeal*, proper or fit to be reduced, it shall and may be lawful for them to reduce the same; in which Case such reduced or reserved Quit-Rents, shall be and are hereby the only Quit-Rents payable out of the said Lands, if such Quit-Rents be more than the Crown-Rents, before this *Act* payable out of the said Lands; But in case the ancient Crown-Rent be more, the greater Rent shall be the Rent reserved thereout.

*Provided yet likewise, That* the Commissioners for the Execution of the said *Act of Repeal*, or in default of them the Barons of his Majesty's Court of Exchequer, within five Years after the first sitting of the Commissioners for the Execution of the said *Act*, shall be and are hereby empowered to reduce the Quit-Rents by the said *Act*, due and payable out of Lands, by the said *Act of Repeal* to be restored, or formerly restored to the former Proprietors thereof, where the Lands are barren, or of so small Value, that the Quit-Rent due amount to the fourth Part of the Value of the Lands, may be a Discouragement to the Plantation of the said Lands, and that such ascertaining or abating of Quit-Rents, under the Hands and Seals of the said Commissioners or Barons respectively, shall be as good and effectual, as if the same had been enacted by these Presents, any thing therein, or in the said *Acts of Repeal* contained to the contrary notwithstanding.

*And be it further enacted, That* the Commissioners be appointed for setting forth Reprizals pursuant to the said *Act of Repeal*, or any three of them, shall out of the Stock of Reprizals therein, and in this present *Act* or in either of them mentioned, set forth and allot Reprizals to such Person or Persons as by Virtue of the *Act* are appointed to be reprized, and shall and may execute such other Parts of this *Act* as are to be executed by Commissioners.

And whereas divers Lands, Tenements and Hereditaments forfeited unto and vested in your Majesty, are may be found to be liable to divers Debts or other due Payments saved by this Act: And for levying and receiving the same, the Person or Persons intitled hereunto, might charge any Part of the Lands, Tenements or Hereditaments originally liable to the said Debts or Payments, with more than a just Proportion thereof, whereby some of the Persons to whom part of the said Lands, Tenements or Hereditaments shall be allotted or granted in Reprizal, may be overcharged in such Part or Proportion of the said Lands, Tenements or Hereditaments, as shall be so to him or them granted allotted, which may occasion great Prejudice and loss to some of the said reprizable Persons, if due Course be not taken for apportioning the said Debts and Payments: For remedy whereof, Be it enacted, by the Authority aforesaid, that the Commissioners for Execution of the said *Act of Repeal*, and this present Act, or any three or more of them, be and are hereby empowered and required equally to apportion such Debts and Payments as shall appear to them to be chargeable upon, or leviable out of any Lands, Tenements and Hereditaments, to be set forth for Reprizals as aforesaid; and to ascertain what Proportion of such Debts or Payments, each and every Proportion of the Lands, Tenements and Hereditaments, which were originally liable thereunto, and which shall be separately set forth for Reprizals as aforesaid, shall remain liable to pay or discharge; and the respective Grantees, and every of them, and their respective Proportions of the said Lands, Tenements and Hereditaments to them allotted for Reprizals, shall not be liable to any more of the said Debts or Payments, than by the said apportionment shall be appointed and directed, which Proportion of the said Debts or Payments is to be inserted in the Certificate, to be granted of the Lands liable thereunto, if the Person or Persons obtaining such Certificate, shall desire the same; any thing in this, or the said *Act of Repeal* to the contrary notwithstanding.

And it is further enacted, by the Authority aforesaid, that all Letters Patents hereafter to be granted of any Officers or Lands whatsoever, shall contain in the same Letters Patents a Clause requiring and compelling the said Patentees, to cause the said Letters Patents wherein



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such Clause shall be omitted, are hereby declared to be utterly void and of none effect.

*Provided always,* that if your sacred Majesty at any time before the first Day of *November* next, by Letters Patents under the Broad Seal of *England*, if residing there; or by Letters Patents under the Great Seal of *Ireland*, during your Majesty's Abode here, shall grant your gracious Pardon or Pardons to any one or more of the Persons herein before mentioned or intended to be attainted, who shall return to their Duty and Loyalty; that then and in such Case, such Person and Persons so pardoned, shall be and is hereby excepted out of this present Act, as if they had never been therein named, or thereby intended to be attainted, and shall be, and are hereby acquitted and discharged from all Attainders, Penalties and Forfeitures created or inflicted by this Act, or the said *Act of Repeal*, excepting such Share or Proportion of their real or personal Estate, as your Majesty shall think fit to except or reserve from them, any thing in this present Act, or in the said *Act of Repeal*, contained to the contrary notwithstanding.

*Provided always,* that every such Pardon and Pardons be pursuant to a Warrant under your Majesty's Privy Signet and Sign manual, and that no one Letters Patents of Pardon shall contain above one Person; and that all and every such Letters Patents of Pardon and Pardons, shall be enrolled in the Rolls Office of your Majesty's High Court of Chancery in this Kingdom, at or before the last Day of the said Month of *November*; or, in Default thereof, to be absolutely void and of none effect, any thing herein contained to the contrary notwithstanding.

*Provided always,* that if any Person or Persons so pardoned, shall at any time hereafter the Date of the said Pardon, joyn with, or aid or assist any of your Majesty's Enemies, or with any Rebels in any of your Majesty's Dominions, and be therefore Convict or Attainted by any due Course of Law, that then, and in such Case they shall forfeit all the Benefit and Advantage of such Pardon, and shall be again subject and liable to all the Penalties and Forfeitures inflicted on them and every of them, by this or the said *Act of Repeal*, as if such Pardon or Pardons had never been granted.

*Provided always,* that nothing in this Act contained, shall extend, or be construed to extend to, or vest in

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your Majesty any Lands, Tenements or Hereditaments, or other Interest of any ancient Proprietor, who by the said *Act of Repeal*, is to be restored to his ancient Estate; but that all such Person or Persons, and all their Right, Title and Interest, are and shall be saved and preserved according to the true Intent and Meaning of the said Act, any thing in these Presents to the contrary notwithstanding.

*Richard Darling,*

*Copia vera.*

*Cleric. in Offic. Mori Rot.*

I cannot but take Notice of this Act, and the first Foundation laid for it; which was manag'd thus: Every Member of the House of Commons, retain'd the Names of such Protestant Gentlemen as lived near him, or in the Country or Borough for which he served, and if he was a Stranger to it, he sent into the Country or Borough for Information; according to which whether true or false, they were returned as absent, and attainted in the Act; nay, some of those Persons that were actually in Arms under the late King against *Londonderry*, &c. were returned as absent, and attainted accordingly. After every Member had brought in his Collection, the whole were brought into several Forms, and they attainted them under several Qualifications, and accordingly allowed them time to come in and put themselves on Trial. The Persons mentioned in the first Proviso, that had time given them till the 10th of *August* to surrender themselves and be try'd, provided they were in that Kingdom, &c. as is there mentioned, were one Archbishop, one Duke, 14 Earls, 17 Viscounts, and one Viscountess, 2 Bishops, 12 Barons, 26 Baronets, 22 Knights, 36 Clergymen, 753 Esquires, Gentlemen, &c. Another Form were those who were Absenters before the 5th of *November*, 1688, &c. as you have read in the Act, being one Lord, 7 Knights, 8 Clergymen, 65 Esquires, Gentlemen, &c. A third Form who were Absenters before the 5th of *November*, 1688, were attainted, if they did not appear by the 1st of *October*, 1689. were one Archbishop, one Earl, one Viscount, 5 Bishops, 7 Baronets, 8 Knights, 19 Clergymen, 413 Esquires, Gentlemen, &c. 4 Persons usually

1689.

Resident in England; who were to signify their Loyalty, in case the King should go thither before the first of October, 1689. and on his Majesty's Certificate to the cheif Governour of Ireland, they to be discharged, otherwise to stand attainted; one Earl, 15 Viscounts and Lords, 14 Knights, 492 Esquires, Gentlemen, &c. Absenters by reason of Sickness, Nonage, &c. were one Earl, 7 Countesses, one Viscountess, 13 Ladies, one Baronet, 59 Gentlemen and Gentlewomen.

Another Foundation this Act was laid upon, was but a very sandy one indeed, and not allowable in the least Cases, much less in Case of Life, and that was common Fame; for when Sir *Richard Neagle* the Commons Speaker, presented this Bill to the King for his Royal Assent, he told his Majesty, *That many were Attainted in that Act by the House of Commons, upon such Evidences as fully satisfied the House* (and that was but an Information without any Affidavit made, for the most Part) the rest of them was Attainted upon Common Fame; which, when it is allow'd to be a sufficient Evidence in Case of Treason, will find Traytors enough. Further, for the securer Establishment of this Act, and to make it un-repealable, they prevailed upon the late King to grant his Assent unto an Act, entitled, *An Act for declaring that the Parliament of England cannot bind Ireland, and against Writs of Errors and Repeals out of Ireland into England*. Not only the Parliament of England were excluded from having any Power to Revoke the said Act of Repeal, but the King himself could not pardon any that was attainted, after the limited time, or whose Estate was vested in him by this Act. But it seems that his Majesty was not apprehensive of this, from the following Passage (which Dr. King cites.) After the Act passed and had the Royal Consent, the Parliament (contrary to all Parliamentary Constitutions) took such Care to make this Act such a Secret, that no Copy could be gotten of it by any Protestant, till the *Easter* after it was passed, and then it was got by a Stratagem thus managed:

The Case was: Sir *Thomas Southwel*, among other Gentlemen, in of Sir *Tho. March*, 88. had been condemn'd at *Galway* for High Treason against the late King; and was arraign'd in the Act of Attainder also: Sir *Thomas* continued a Prisoner till such time as he came acquainted with my Lord *Seaforth*, who undertook to reconcile him to the late King, and get his Pardon; his Majesty upon my Lord's Application



application promised it, and order'd a Warrant to be drawn up for it. The Person that was imploy'd to draw it, happen'd to be Sir Thomas his Acquaintance. The Gentleman being a Lawyer, immediately apprehended this to be a good Opportunity to get a Copy of the Act, which he had laboured before in vain. Therefore he told the Earl, and Sir Thomas, That he could not, (for indeed it was not possible) draw up an effectual Pardon, except he had the Perusal of the Act that attain'd him. The Earl made no more to do, but got an Express Order from the King, to have a Copy deliver'd him, and brought it to the mentioned Lawyer, who employed several Persons to Copy it, and by that Means it came to the Knowledge of several Protestants. But when the Warrant for Sir Thomas's Pardon was drawn up, with a full *Non-Obstante* to the Act of Attainder, the Earl brought it to Sir Richard Neagle the Attorney General, to have a *Fiat* drawn. Sir Richard took the Pains to read it, but threw it aside with some Indication of Anger; at which the Earl began to expostulate with him about slighting the King's Warrant at that Rate. But the Attorney reply'd, That the King did not know what he had done, and that he had attempted to do a thing that laid not in his Power to do: If the Earl had understood (said he) our Laws, or had seen the Act of Attainder, he would be satisfied that the King could not dispence with it: To which my Lord answered, That he understood Sense and Reason, and that he was not a Stranger to the Act of Attainder. Sir Richard would not believe it, till a Copy of the Act was shew'd him, at which he was much surprized, and began to enquire how his Lordship came by it, and intimated the Keepers of the Rolls were treacherous in letting any one see it, much more in letting a Copy of it go abroad. His Lordship expressed his Admiration, that an Act of Parliament should be made a Secret, and the Laws, upon the Observation of which the Lives and Fortunes of so many Men depended, should be concealed with such Industry: At last the Attorney told him, that he would draw up a Warrant for Sir Thomas's Pardon that should do his Business, and get the King to Sign it, the Earl would not accept of his Offer, unless his Lawyer might first peruse it, which being granted, the Lawyer upon Perusal found it to be not valid, nor such as would stand in Law. This deluding Dealing of the Attorney, made the

1689. the Earl make new Applications to King James, who sent immediately for Sir Richard, and questioned him for not preparing a *Fiat* for Sir Thomas Southwel's Pardon, according to the Warrant sent to him. The Attorney shortly reply'd, That His Majesty could not grant such a Pardon: For His Majesty was only a Trustee for forfeited Estates, and could not dispence with the Act, that by an express Clause in it, all Pardons that should be granted, were declared void. The King hearing this, told him in some Passion, *That he hoped they did not retrench his Prerogative*: But the Attorney reply'd, *That His Majesty had read the Act before he passed it*: At which the King said, *That he had betrayed him, and that he depended upon him for drawing the Act*: And if he had drawn it, so that there was no Room for dispensing, and pardoning, he had been false to him; and thus the Matter ended, So that Sir Thomas was forced to go for Scotland without being able to obtain his Pardon for his Estate or Life; for it was after the first of November, 1689, when Sir Thomas made Application, as said before, for his Pardon, and then the Act voided any Pardon granted to any attainted by it, or were not enabled before the last Day of the said Month. There is no Occasion to comment upon this Narration, but certainly such Severities upon the Protestants contributed not a little to alienate their Affections from his then Majesty. The Parliament after they made some other Acts, tho' not worth our while to take Notice of here, except the Act of *Liberty of Conscience*, (wherein was promised full and free Exercise of their respective Religions to all that professed Christianity within the Kingdom, without any Molestation, Loss, or Penalty whatsoever, and that they should have Liberty to meet in such Churches, Chapels, and other Places as they should have for that Purpose) they were on the 20th of July prorogued, to the 12th of January, and so ended this Sessions, and the Acts made in it, created no less Confusion and Disturbance in that Kingdom, than the War it self; a further Narration of which, I am just going upon, and what happened at *Inniskillen* between the two Armies falls off Course under our Cognizance.

Irish parliament  
Prorogued.

The *Inniskillen* Men, upon Notice that *Dewy* had deny'd Entrance to the Lord *Antrim's* Regiment, in Imitation thereof chose *Gustavus Hamilton Esq;* to be their Governour, and resolved to put themselves in a Posture

of

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of Defence against any *Irish* Garrison to be sent there; and having raised about 12 Companies, they began to Regiment themselves, and made Choice of *Gustavus Hamilton* to be their Colonel, and *Thomas Loyd* their Lieutenant Colonel. The Townsmen being thus in some Condition to act as their Inclination lead them, upon the News that the Parliament of *England* had Voted the Desertion of King *James* to be an Abdication, and placed the then Prince and Princess of *Orange* in the Vacant Throne: They likewise on the 11th of *March* Proclaimed King *William* and Queen *Mary*, with such Solemnity as their Circumstances could bear. But the Lord *Gilmore* declaring for King *James*, sometime after His Majesty's Arrival at *Dublin*, sent a Letter to the Governour of *Inniskillen*, in the Nature of a Summons, for the Surrendry of the Place; notifying withal, that he had a Commission from the late King, whereby he be had Power to grant them better Conditions than they might ever expect from him afterwards. A Council being called upon the Summons, it was resolved to stand firm to their former Declarations: Upon this the Lord *Gilmore* landed all his Forces towards *Gross*, which was beleagued sometime before by some of his Troops, then the *Inniskillen* Men dispatched a Detachment of about 200 Men to the Relief of the Castle, being 16 Miles distant from *Inniskillen*: The Besiegers used all their Endeavours to prevent their landing upon them, yet they, in Spite of all their firing, threw themselves into the Castle, and conjunctive with those that were within before, sallied upon the Assailants, and beat them out of their Trenches, so that my Lord was forced to raise the Siege, and retreat to *Belturbet*. On the 24th of *April*, Lieutenant Colonel *Loyd* commanding a Party of Foot and Horse, scouted abroad, and set upon a Garrison near *Omagh*, of the Enemies, which he could not reduce; therefore driving all the Cattle near that Place, and having demolished the Castle at *Anghor*, which the Garrison thereof at his Approach had deserted, he returned Home with great Booty, especially of black Cattle, so that a Milch Cow was sold at *Inniskillen* for a Crown, for 2 Shillings a dry one, and an Ox cheaper.

Several other small Skirmishes and Actions happened between the two Parties, which we will take no Cognizance of in this Place. But on the 4th of *July*, the Duke



Duke of *Berwick*, with some Troops of Horse and two Regiments of Foot, and as many of Dragoons marched from the Siege of *Derry* towards *Inniskillen*: upon Notice thereof, the Governour of the Place dispatches two Foot Companies (and two Troops to second them) to take Possession of a streight Pass near the Mill, thro' which the Duke and his Army was to come. The two Companies having taken Possession of the Pass, and seeing no Enemy in Sight, after some stay there, advanced a Mile further in quest of them; and coming to a hollow between 2 Hills, were on a suddain surprized, by a whole Body of the Duke's Horse and Dragoons that lay in Ambush for them, at the Sight of which, the two Troops that were to second them in Case of an Engagement, wheel'd about, and declined to engage upon Consideration of their Inequality in Number. The Duke after this Defeat, returned the next Day to the Camp (with some Booty and Prisoners) before *Derry*. On the 30th of *July*, Major General *Mackarty* was dispatched at the Head of about 6000 *Irish*, with a Resolution totally to destroy the *Inniskilleners*. Upon Notice of the Enemies March, the *Inniskilleners*, to the Number of 2000, advanced to meet them as far as *Newton Butler*, a Town near 20 Miles distant from *Inniskillen*, where a very hot and dubious Fight happened: And to be a little more particular, *Mackarty's* Men having advanced as far as the Town upon the Approach of the *Inniskilleners*, began to retreat in some Disorder, with a Design to draw the Enemy into their Ambush, which the Enemy were aware of, and therefore were very slow in the Pursuit, *Mackarty* having passed a Bog near a Mile beyond the Town, which had a narrow Causey thro' the Middle of it, by which the Enemy were to pass, he rallied his Men, and came down upon the Pursuers in very good Order, and having placed his Cannon at the end of the Causey, he began to play upon them with great Fury, which obliged the Foot to take the Bog, and make up to the Cannon, and in Spite of their continual firing, they seized upon them, and killed the Gunners; upon this their Horse advanced along the Causey without any Molestation, which *Mackarty's* Horse perceiving, wheel'd about, and made the best of their Way toward *Wattle-Bridge*; but the Foot held the Charge stiffly, till such time as they understood they were deserted by their Horse, and set upon by both the Enemies

Enemies Horse and Foot, then they began to run. Upon this the *Inniskilliners* pursued them closely, till they came to the foresaid Bridge, which being an advantageous Pass, they secured, and left it defended by a good Guard of Horse, and about 200 Foot, in Order to keep the Cannon they had taken from the Enemy, when the rest were upon the Pursuit, and continued in it till 10 of the Clock the next Morning. While these things were acting, General *Mackarty*, when his Men fled, retired, after he had acted his Part very valiantly, into the Neighbouring Wood near the Place where the Cannon was planted; some time after, he with five or six Officers more came out of the Wood, and fired his Pistol at them that guarded the Cannon, upon which the Enemy poured a whole Volley upon him and his Followers, and shot his Horse dead under him, and he did not escape wounding in several Places, and as one of the Soldiers was going to knock him in the Head with the Stock of his Musquet to put him out of his Misery, one of his Officers that were with him, cried out, *That it was their General Mackarty*; upon which Quarters were given to him and the other Officers, and they were carried that Night to *Newton Butler*, where when he was taxed with his Indiscretion in charging them that guarded the Cannon, with so few Followers, while he might have made his Escape, by Way of Answer he professed, that he found now that Kingdom like to be lost, his Army being the best (of their Number) that King *James* had, unless those before *Derry*, and that he came to fight or to lose his Life, and was sorry that he missed of his End, being unwilling to out-live that Day. The Loss sustained by the *Inniskillengers* were not above 20 Men killed, among which, was one Captain, and one Cornet; the Wounded were above 50 Persons, but on the other side, there was 3000 killed and drowned; for several making their Escape towards the *Lough*, were so closely followed by the Pursuers, that they were forced to take the Water, wherein most of them perished.

Here, before we proceed any further, we shall beg Leave to return to *Dublin*, and enumerate the most material Proceedings of the late King's Council, during His Majesty's Stay there, and then to the Prosecution of the War without any Interposition of Civil Affairs. The Privy Councillors swore before his Majesty after his Arrival

1689. rival in *Ireland*, were Duke of *Powis*, Duke of *Berwick*, Earl of *Abercorne*, Lord *Thomas Howard*, Earl of *Melford*, Lord Chief Justice *Herbert*, Lord *Dover*, Colonel *James Ford*, Lord Chief Justice *Herbert*, Lord *Dover*, Colonel *William P.*, Colonel *Dorington*, Marquess of *Alberville*, Lord *Kilmallock*, Colonel *Sarsfield*, Lord *Merrion*, Earl of *Colington*, Earl of *Carrickard*, Lord *Kenmore*, and Lord *Care*. The late King by the Advice of his Council having called a Parliament in that Kingdom; they even in the Being of that Parliament advised him (for they said that they would not trouble the Parliament) to cause vast Quantities of Brass Money to be Coyned, and to make the same Current by a Proclamation, which He coyns was done June 18. 89. Those that pass with us now for Brads Mo. a Farthing, commonly known by being called King *James's* Shillings, were to pass for Twelve-Pence a Piece, and the now half-Pence for half a Crown, which the next Year were called in by another Proclamation, and being stamped a-new were to pass for Crowns. In this Coin, the King paid all his Soldiers, and the Farmers, for any Provision; besides another Proclamation was issued forth the 4th of *February* 89, to make this Coin Current in all Payments whatsoever; whereas at first Judgments, &c. were excepted. Of this sort of Money, there was Coined by Computation from first to last 565,775 Pounds, and that about the space of one Twelve Month, for the Defeat at the *Boyn* did not put a Stop to it. The King's Council being apprehensive (as was then given out) of some Danger from the Protestants of *Dublin*, and to prevent the Fear of any Disturbance from them, they issued forth a Proclamation, dated the 13th of *July* 1689, wherein it was forbidden all Protestants to go out of their Parishes: Upon the Neck of this, they issued forth a Proclamation, bearing Date *July* the 26th, being the same Day on which the Parliament was prorogued, the Contents thereof was, that it was his Majesty's Pleasure and Command, that all Protestants should bring in all their Swords, and other Arms by such a limited time, under Penalty of being dealt with as Rebels and Traytors.

Now it being the 13th of *December*, this Year, the King and Council published another Proclamation, in which it was acknowledged, that the seizing of Churches (which was done by *Tyrconnel* before, and after the King landed there in several Parts of the Kingdom) was a Violation of the *Act of Liberty of Conscience*, and

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prohibited the seizing of any more for what use soever. But strange and unaccountable was the Policy of Roman Catholicks, for most of them got Information before Hand of the King's Pleasure to issue out such a Proclamation, therefore they took Care to possess themselves of those Churches that were yet in the Hands of the Protestants, for in the Proclamation there was no Order for the Restitution of those seized before the Publication of it, but only Prohibited any such thing to be done after the Date of the said Proclamation. Further the Papists, after it was published, did whatever they could to keep it from the Knowledge of the Protestants in remote Places, and when the Protestants had got a Sight of it, yet their Churches in their Possession then were (contrary to the Proclamation) seized upon by the Papists, who when the other Party pleaded the *Act of Liberty of Conscience*, and especially the Proclamation, used to tell them, that the King had nothing to do with them or their Churches, that they were immediately under the Pope, and that they would neither regard him, nor his Proclamations, or Laws made to the Damage of the Holy Church; but the Protestants made their Application to the King and Council, by Petitioning them, and by their good Industry, got some of the Privy Council, tho' Papists, to espouse their cause, the following Petition of *Wexford* prevailed, notwithstanding all the Opposition made against it, both by the Attorney General, and the Solicitor General, the Petition runs thus.

*Most humbly Sheweth,*

THAT your Petitioner being Minister of the Parish Church of *S. Iherius*, in the Town of *Wexford*, hath therein for several Years past, daily celebrated Divine Service, and exercised all other Offices of his Function with Piety to GOD, and constant Loyalty to your Majesty: Yet Your Petitioner on the 25th of October last, was dispossessed of his said Church, (contrary to the late *Act of Liberty of Conscience*) by *Edward Wiseman Esq;* Mayor of *Wexford*; who a few Days after, did not only, by the Rabble introduced by him, break down, and demolish all the Pews and Altar of the said Church, but did seize, and unjustly deny your Petitioner's *Vestments, Church-Book, and other Ornaments* thereof, to the great Prejudice of your Petitioner and his *Parishioners*; although your Majesty's Roman Catholic

Mr. Al-  
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Catholick Subjects have several Chappels fit for the Exercise of their Religion, both within and without the Walls of the said Town, and whereunto several Protestant Inhabitants have given liberal Contributions. Your Petitioner further sheweth, That he the said Edward Wiseman, as Magistrate of the Town of Wexford, is obliged (as usually it hath been by the Act of *Wexford*) to encourage and provide for the Relief of distressed Orphans, and other Poor of the said Town of Wexford, yet uncharitably refuseth to interpose his Authority in the Behalf of such Poor, whereby they must inevitably perish, if not speedily Relieved.

*May it therefore please your Majesty, to restore your Petitioner to his Parish Church, which was never forfeited by Absence, or otherwise: And that the said Edward Wiseman may be obliged to repair it, and leave it in the same Condition he found it; And that such Care may be taken for Relief of distressed Orphans, and other Poor from Famine, as is usual.*

And your Petitioner shall ever pray, &c.

The Reasonableness of this Petition being so manifest, caused King James and his Council to make an Order for the Restitution of the Church; but so little was his Kingly Authority then regarded, that the Mayor and other Officers of the Town refused it, which being communicated to the King put him into a Consternation, and made him express himself with more Passion than was usual, that he should be obeyed: And at length he was in this thing; tho' others as just Petitions and Orders from the King and Council, for their Churches Restitution were neglected. On the 28th of February this Year, another Proclamation was issued forth, setting a set Price upon certain Goods and Commodities, which were to be taken *nolens volens* from the Owners (when the King wanted any for himself, or the use of his Army) at the appointed Rate in the Proclamation. The 7th of May following, the Mayor of the City of Dublin, thought fit to reinforce the said Proclamation about the Rate of Goods in the Market; but Colonel Luttrell, the Governour of the City, did not think the Mayor's Order sufficient, and therefore published an Order of his own by beat of Drum, declaring, that whosoever transgressed the Lord Mayor's Order either by buying or selling

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ing should be hanged before their Doors. This Governour being in April before at the Quarter Session held at *Kilmainham* near *Dublin*, and on the Bench, made a Speech upon this occasion, declaring that King *James* wanted Wheat and other Grain for his Horses, and that he had given the Country Farmers three Weeks to bring in their Corn, and had waited for their Compliance during that time, and he resolved to wait further till the Saturday after; and if they did not bring it in by that time, he would compel them, and further protested, that he would have that Man hanged before his own Door, that did not obey and bring in his Corn according to Order. On June the 18th this Year, the said Governour, without the Cognizance either of the King or Council, as was generally reported, published the following Declaration.

By the Governour of Dublin, June 18th, 1690.

Whereas several disaffected Persons of the Protestant Religion, are of late come to this City of *Dublin*, and some of them Arm'd with Swords, Pistols, and other Weapons, contrary to His Majesty's express Commands by his Royal Proclamation bearing Date the 20th Day of July, 1689.

I These are therefore to Will and Require all Men whatsoever, of the Protestant Religion, now residing or being within the said City of *Dublin*, or within the Liberties of *St. Sepulchre Donnor*, or *Thomas Court*, who are not House-keepers, or have not followed some lawful Vocation therein these Three Months past, to depart within Twenty four Hours after the Publication hereof, out of the said City and Liberties, and repair to their respective Habitations, or usual Places of Abode in the Country, upon Pain of Death, or Imprisonment, and to be farther proceeded against as Contemners of his Majesty's Royal Commands, and as Persons designing the Disturbance of the Publick Peace.

II. And likewise, That all Protestants within the said City and Liberties, not being of his Majesty's most Honourable Privy-Council, nor in his Army, or actual Service, shall within the time aforesaid deliver up all their Arms, both Offensive and Defensive, and all their Ammunition into his Majesty's Stores in the said City, upon Pain of Death.

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III.



‘ III. And that no Protestant whatsoever do presume at his Peril, to walk or go in the Streets, from Ten of the Clock at Night till Five in the Morning, nor at any time when there is an Alarm. In which case all such Persons are required for their Safety, and for the Security of the Publick, to keep within Doors till such an Alarm is over.

‘ IV. And lastly, For the Prevention of Riots and unlawful Assemblies, These are therefore to Will and Require all the said Protestants, that no greater Number of them than Five shall meet and converse at any time, either in any House within the said City or Liberties, over and above the Family of the House; or in the Streets and Fields, in or about the same, or elsewhere: Hereby declaring, That all Persons who shall offend against any Clause in this present Order, suffer Death, or such other Punishment, as a *Court Martiale* shall think fit.

I shall not comment upon this Order, but return to the Council, by whose Advice the King issued out another Proclamation, bearing Date the 15th of July 90, wherein it was prohibited, to give above 1 l. 18 s. for a Guinea, and for a *Lewis d'Ore* above 1 l. 10 s. Many other Orders and Proclamations were set out by the King and his Council, on which we shall not insist any longer, but look back to some Military Actions. *Schomberg* would not allow to *Carrigfergus* any other Conditions than to be made Prisoners of War, which the Besieged would not comply to. Great Havock was made with the Cannon and Bombs, which at last did the Inhabitants of the Town great Harm, for the Soldiers being continually upon the Walls, suffered but little from them; The firing of the Cannon still continuing, considerable Breaches were made in the Walls, but the Besieged were not wanting to repair them, all they could, and fill up others, and after such Shifts had failed them, they drove a great Number of their Cattle from the Town into the Breaches, where whilst the Assailants killed them with their incessant Firing; the Besieged to make good the Breaches, covered the dead Cattle with Earth, Stone, and other Rubbish: But all availing them nothing, they hung out a white Flag, and sent their Proposals, which at last the Duke agreed to, and permitted them to march out, but (according to the Conditions)

*Carrigfergus* surrendered.

ditions) with their Arms and some Baggage only, and were conducted to *Newry*, which was the next *Irish* Garrison: And upon their marching out, *Sir Henry Ingoldsby's* Regiment was put into the Town; and the next Day the Duke having augmented his Army, by more Forces come from *England* marched to *Belfast*, and from thence, ordered the greatest Part of the Train to be ship'd (for most of the Artillery Horses were yet at *Chester*) and the Fleet to Sail with them to *Carlingsford-Bay*, while in the mean time, the Army marched by Land through *Hillsborough*, and pitched their Camp at *Drummon*; and the next Day being the 20th of September, they moved and bended their march towards *Loughbrilane*, where they were joyn'd with the *Inniskillin* Horse and Dragoons, and advanced towards *Newry*: At the News of their Approach, the Garrison deserted the Town and burnt it, and set several other Places on fire as they retreated, which Desolation incensed *Schomberg* so much, that he sent after them, and acquainted them, if they did not desist from such Barbarities, he would give no Quarter to any of their Followers. On the 8th Major General *Kirk*, *Sir John Hanmore*, and Brigadier *Stuart*, with their respective Regiments joyn'd the Duke, but the Fleet failing to come up *Carlingsford-Bay* (as ordered) it was thought adviseable (upon Intelligence that the Enemy consisted of about 20000 Men, and encamped at *Drogheda*) to halt and proceed no further expecting the Train. General *de Rosne* hearing of the Duke's halting was reported to say, that he was sure (for he understood the *French* Policy) that the Duke wanted something, and therefore ordered the Army to move towards *Ardee*.

On the 30th of September, Monsieur *de Rosne* having advanced near the Duke's Camp, detached a Party of 2000 Foot, and 1500 Horse to attack the Pass at *Newry*, and fall into the Enemy's Rear; but the Duke having Notice thereof, ordered several Battalions of Foot to oppose them, which together with a Party of Horse advancing in good Order, obliged the Enemy's Foot to retire, as did their Horse, upon Advice that my Lord *Henri's* Horse, and *Sir Henry Ingoldsby's* Foot had marched to the Duke's Camp then at *Newry*: The Day following the *Irish* drew out in Battle Array, and moved towards the *English* Camp, upon which, several of the *English* Officers advised Duke *Schomberg* to send for the

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Horse home from Foraging, to which the Duke seem'd unwilling, saying, *Let them alone, we will see what they will do, for I see no sign of their Design to engage*: But the Enemy advancing within Cannon shot of their Trenches, and drawing themselves into two Lines. He gave Orders to Lieutenant General *Douglass*, to go to the Camp, and put the Foot into a Posture of Defence, and give the Signal by firing three Pieces of Cannon, for the Horse to return from Foraging to the Camp. *Douglas* had no sooner given Orders, but all the Army were ready for the Battle, and thereupon the *Irish* thought it reasonable to wheel off, and decline the Engagement for that time.

*Irish de-  
feated.*

Tho' the two main Armies were thus unwilling to engage, yet the *Inniskillin* Men were not so timorous on their Part; for on *Fryday* the 27, News came to the Camp, that Colonel *Lloyd* heading about 1000 Horse, Dragoons and Foot, set upon a Body of the Enemy, commanded by *O Kelly*, to the Number of 5000 Men, intending to make themselves Masters of the Town of *Sligo*: Colonel *Lloyd* having lined the Hedges of the Lane of *Boyle* with his Foot, posted his Horse on a rising Ground, charged the Enemy so suddenly and unexpectedly, that after a hot Dispute, they were put to the Rout: Then the Colonel taking a Circumference with his Horse and Dragoons got into *Boyle*, in Order to intercept the *Irish* in their Retreat, which he did, charging them with his Horse in the Front, whilst the Foot fell upon them in the Rear; yet the *Irish* seeing themselves so surrounded, fought most desperately, but at last broke their Way thro', leaving 700 of their Number slain upon the Spot, and near half as many taken Prisoners, among which last, was their Commander *O Kelly* and 40 other Officers, and the Plunder was very great; for besides Arms and Ammunition, 8000 Head of Cattle were taken from them. Duke *Schomberg* at the News of this Victory, caused the Guns in the Camp to be discharged, as a Signal of their Joy, which were answered by the *Inniskillin* Horse from their Camp, and by the great Guns from their Line, as also from the Ships that lay at the Mouth of the River.

Things proving thus unsuccessful on the late King's side, now the Scale seem'd to turn, and his declining Interest began to increase and flourish for a while in that Kingdom, as appears by the Sequel: For about this

time



Colonel *Sarsfield* commanding a considerable Body of Men, under the late King, appeared before *James* Town, which the Garrison thinking not tenable, quitted, and in their retreat towards *Sligo*, several of their Numbers were cut off by their pursuing Enemies: And the Day following, the Colonel advanced after them to *Sligo*, at whose Approach Colonel *Russel* retired to *Balshannon*; yet Colonel *Lloyd* and *de S. Sarvem*, Captain of a Party of Granadeers, would not follow his Example, but retired to the two Forts at the end of the Town, and were most industriously besieged by the Enemy, but Colonel *Lloyd* despairing to keep the Besiegers out after the Loss of several of his Men, got away in the Night: The French Captain defended his Fort (where he had some Provision and Ammunition) with great Bravery, making use of Fir-deals dipped in Tar, and then set on fire, and so hung over the Walls in the Night time, for the better discovering of the Enemies Assaults, by which Means they descryed the Enemy, bringing their Sow, an Engine so called, to the Walls, and fired upon the Engineer, whom they killed, and few more about it, and then had the Opportunity to burn the Engine: The next Day appearing, the Besieged made a Sally, and by their continual firing, forced the Assailants to quit a small Field Piece that they had planted in the Street, and by that Means freed themselves from great Danger; but Provision growing scarce, the Captain was forced to capitulate and had Liberty to march out with his Men, who as they passed by, were every Man proffered five Guineas advance in Hand, and a Horse, with all other Accouterments, if they would enter into King *James's* service, but none accepted of the Proffer but one, who the next Day after, brought all off to his old Company; this was but a Prelude to what followed some time after at the *English* Camp at *Dundalk*, which was like to contribute not a little to Reinthrone King *James* in his Kingdoms, had not Providence determined otherwise: For now there was such a Mortality among the *English* Soldiers, that at least 1700 of them perished, besides many Officers and Gentlemen of Note; as Sir *Edward Deering*, Colonel *Henry Wharton*, Sir *Thomas Gower*, and Mr. *Hungerford*: Moreover they were forced to Ship off for *Belfast*, no less than 1970 sick Persons, whereof 800 died before their Arrival, as some thousands did that Winter at the Hospital in *Belfast*; so that

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The Affairs of  
Scotland.

at least half the Army died this Campaign, which broke up now as the Season of the Year required, and both Armies retired into their Winter Quarters; where we leave them, and begin the new Year, with a Relation according to our Promise, of what was acted in Scotland in Favour of the Prince, who is the main Subject of our History.

We find no considerable Action between the two Parties this Year in this Kingdom, till the 22th of *August*, when a Party of the late King's Favourers, assisted with the *Arkol* Men, march'd towards *Dunkell*, where the Lord *Angus's* Regiment was posted, between which and the Enemy, happened a sharp Encounter, but it ended to the Advantage of the *Williamites*, who forced their Attackers to retire in some Confusion, leaving 115 of their Number dead upon the Spot, and several taken Prisoners; yet for all these Successes, his Majesty King *James* having sent two Frigates, laden with Cloaths, Arms, and Provision from *Dublin*, to his Favourites in Scotland, on Board which Frigates, were Colonel *Buchan*, Colonel *Wauburn*, besides 40 Officers more, who all safely arrived in the Isle of *Mull*, and joyning with Colonel *Cannon* (who made the only Figure for his Majesty at that Juncture) they increased to the Number of 1500, and marched as far as *Srathspag*, where Sir *Thomas Livingstone* commanding eight hundred Foot, 6 Troops of Dragoons, and 2 of Horse, met them, and a desperate Fight ensued thereupon, but the Jacobites having but few Horse, Sir *Thomas's* Dragoons broke in upon them, and entred their Camp, making a terrible Slaughter of all before them, while a great many of them had the Wit to trust more to their Heels than their Swords, but for all that, there fell in this Action, between 400 and 500 of them, and about a 100 were taken Prisoners, among which were some considerable Officers. The Consequence of this Rout, was the daily Declension of his late Majesty's Interest in that Kingdom; for upon the Neck of this the Castle of *Lebingsdey*, kept by Colonel *Buchan's* Nephew, was besieged by Sir *Thomas Livingstone*, and after a small resistance was surrendered to him at Discretion, as was the Castle of *Denart* in the Isle of *Mull*, about the same time reduced by Major *Ferguson*; so that now the late King's Favourers began to think of their own Security, and in Order thereto many of them submitted to King *William*

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and took the Oaths of Allegiance to him: as the Lord *James Murray*, the young Laird of *Ballacon* and his Father; the Lords of *Levingstone* and *Daffus*, with the Earl of *Collendar*, were set at Liberty, having together with the Earls of *South-esk*, *Brodalbane*, and the Lord *Strathmore* took the Benefit of the Indemnity, and gave sufficient Sureties for the Securities of the Peace. Hereupon several of the Party, being incapable to do King *James* any longer Service in that Kingdom, made their escape for *Ireland*, hoping that their King's Presence there would render their Attempts more successful.

Having thus brought the Affairs of *Scotland* to a Period, we find at the beginning of this Year, the *English* Army after their great Mortality (which we mentioned before) were towards the beginning of *February*, in such a Condition as to make an Appearance in the Field; and Duke *Schomberg* their General, upon Information that the Enemy were drawing down towards *Dundalk* in great Numbers, with a Design to molest the Frontier Garrisons of the *English*, dispatched a considerable Body both of Foot and Horse towards the Place to oppose their Design; and the Duke with the rest of the Army, soon after moved after them towards *Drummore*; but the *Irish* during this Motion of the Duke, had an Eye upon *Belturbet*, which was taken away from them some time before, and in order to regain it, a considerable Number of their Party privately advanced to *Cavan*, but not with such Secrecy, but that Colonel *Woolfey* had Notice thereof, who having mustered up 300 Horse and Dragoons with 700 Foot, set out from *Belturbet* in the Evening, with a politick Design to surprize them before the next Morning, in which he failed as the Enemy had done in theirs; for it was an Hour after break of Day before he reached their Camp, and they were so far from being surprized, that they had drawn up a Body of about 9000 Men, advancing in good Order and in Battle Array to meet their Enemies: Upon which the Colonel having not the Advantage to retreat with the least Honour or Safety, according as the shortness of time would permit, spoke to his Followers to this effect, *That he was resolved to Fight, and shewed what Advantage would follow of being valorous, and their proving otherwise would be the inevitable Ruine of the whole Party.* Upon which *Irish* he detached a Party of the *Iniskillin* Dragoons towards



1690. the Enemy, who immediately charg'd the advanced Dragoons forced them to retreat, and beat them back past the Front of their own Foot, who were so incens'd thereat, that some of them fired upon them, whereby 7 or 8 of them were killed, and many more by the pursuing Enemy, who also advancing too far in the Pursuit, were set upon by General *Kirk's* Foot, and many of them were killed. In the Interim, another Body of the *Irish* having posted themselves upon a Hill, fired incessantly upon the *English* making their Attempt to advance up the said Hill, but their shot flying over did scarce no Execution; and by that Advantage *Woolsey's* Men advanced up by the said Hill, and some came to handy Blows with the Enemy, and others plying them with continual Volleys, they lost that Post, and fled to the Town, and having entred a Fort they had there, and finding the *English* remiss in their Order, for most of them were fallen to Plunder, they sallied out upon them, and were like to turn the Scale of the Battle, had not Colonel *Woolsey*, with 250 Foot and 80 Horse which he had kept for a Reserve, come up to their Assistance, whereupon the Enemy retired to their Fort again; and the Colonel set fire to the Town (wherein most of their Ammunition and Provisions were destroyed) to prevent his Soldiers from plundering again, and give another Opportunity to the Enemies to sally upon them, since he found not himself in a Condition at that time to attack the Fort. In this Action, the Duke of *Berwick* that had arriv'd the Night before with 2500 Men in the Camp, had his Horse shot under him, and Colonel *O'Rely* Governour of *Cavan* was killed upon the spot with two Lieutenant Colonels and other Officers of Note. This Defeat disappointed the Duke of *Berwick's* Intention, who (as the Prisoners reported) was to command 10000 Men, to be detached out of all the Regiments, and make Incursions as he saw Opportunity; but now tho' he had some Probability to get so many Men together, yet he found it not adviseable to pursue his Design, having lost all the Ammunition in that Town, in which there was a great Store, and upon it was his Dependance.

About the middle of *February*, Duke *Schomberg* dispatched a Party of 1000 Horse, Foot, and Dragoons, under the Command of Sir *John Lanier*, who upon Advice that the *Irish* were in Motion near *Dundalk*, made a De-

Diversion that Way, and took *Bedloe Castle*, and brought away a great Number of Cattle from beyond the Town, and about it, and soon after, Colonel *Woolsey* took the Castle of *Killishandra*, and then retired to his Post at *Beltnabber*, where the General sent him a Pattalion of the *Danish* Forces, that were some time before landed in the Kingdom. These Things thus happening in the *North* to the Disadvantage of the King, and the Discouragement of his Party, his late Majesty was not so much disheartned at the News of the fore-mentioned Losses, as at what happened in his own Sight about this time in the Bay of *Dublin*; for the only Man of War that he had was taken by Sir *Clovesly Shovel*, who having convoy'd some Ships laden with Necessaries for the Army to *Belfast*, on the 18th of *April*, upon Information of the Frigate's lying in the said Bay, he sailed towards the same, and having entred it with some Yatches and long Boats, he made up towards it. The poor King when he was advertised of this, was so far from thinking them to be his Enemies, that he rejoiced at it saying, *They were some of his Loyal Subjects of England, that were returning to their Duty and Allegiance*: But alas! he soon found his Mistake, for by this time the Yatches began to fire upon the Frigate, which was not wanting to salute the Enemy with the same Complement; at last the Captain ran it aground, and then perceiving a Fire-ship making up to it, he and his Men being about 40, quitted it, and took Refuge among several Regiments that were on the Shoar (as also was his Majesty) that came to their Assistances, but the Ship was took in spite of all Opposition.

But to return to the *North*, General *Schomberg* having his Eye upon the strong Castle of *Charlemont* in the Possession of the Enemy, he with a small Party took a view of it, which he found very defencible, both by Art and Nature, as having its Scituation in the middle of a Bog, and unaccessible, save only by two Ways, which by the Industry of the *Irish*, were rendred in a manner unassailable: Yet the Duke thought fit to block it up, and reduce it to a surrendry by Famine, since he could not do it by Arms, and an Accident happened, that favoured not a little his Desire; for Lieutenant Colonel *Davesant* having Intelligence, that *Mack Mahon*, with a Body of near 500 Men had carried some Provision and other Necessaries into the Castle over Night, watched his

1690.  
English  
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1690.

his return so narrowly, that the next Night in his marching out, he was intercepted by Captain *La'Carry*, who had but 20 Men with him; for the Lieutenant Colonel had divided his Company into three Parts. The Captain from his Ambush, fired upon the main Body of the Enemy as they marched by, which put them into such a Consternation, that eight of their Number, and an Officer being killed, they returned into the Castle: Then the General reinforced the Blockade, and kept the Garrison from coming out of the Castle for the sooner Consumption of their Provision, which *Teague O'Regan* the Governour of the Place was apprehensive of, and therefore threatned the Body that returned into the Castle, that if they could not get out, they should have no Entertainment nor Residence within, which they had not, for they were forced to shelter themselves in little Huts, built by them in the dry Ditch without the Gates of the Castle, which being straitly blocked up, Colonel *Callimote* possessed himself of a small Village within a Mile of it: Hereupon the Enemy came out, to the Number of about 300 Men, but were repulsed after a dubious Conflict, and forced to abandon their Out-Works; but after many small Sallies, the Garrison found it self necessitated to capitulate, thro' Old *Teague O'Regan*, upon the Duke's summoning the Place to surrender, some time before, was pleased to answer, That the Duke was an old Knave, and by St. Patrick he should not have the Town at all. Upon the 12th of May, the Governour demanded a Parley, which was granted, and a Lieutenant Colonel and a Captain having had Leave and Guards to conduct them from the Officers before the Town, went to the Duke with the Terms of Surrendry, which were agreed to, and in Pursuance to the Articles, the Governour and the Garrison being 800 strong marched out, leaving in the Place a good Quantity of Ammunition, but no Provision, 17 Pieces of Brass Cannon and 2 Mortars. The Surrendry of this Place being one of the strongest in the Jacobites Possession, proved a fatal Stroke to the late King's Interest in those Parts.

*Charles-*  
*mont sur-*  
*rendred.*

This was the Posture of the *Irish* Affairs, when King *William* having set out from *White-Hall* on the 4th of June, on the 14th landed in *Ireland* at *Carrigfergus*, from whence the same Evening, he went in the Duke of *Schroberg's* Coach to *Belfast*, and leaving that Place in

few



1690.

few Days he advanced on the 19th to *Hilsborough*. The *English Army* having Orders to march into the Field, encamped at *Loughbratland*, where the King after his Arrival there, viewed them with great Exactness, the whole consisting of 36000 Men; from thence they decamped into the Plains of *Dundalk*, where they stay'd not long, but upon Advice that the Enemy had abandoned *Ardee*, they directed their March thither: While King *William* was thus upon his March, the late King as soon as he was informed of his landing in *Ireland*, began to stir himself, and on the 16th of *June* set out from *Dublin*, with about Six Thousand *French* Foot, being old experienced Soldiers, and in a very good Condition both as to Arms and Cloaths: One Regiment of his Retinue were *Dutch* Protestants, in which the King did not much confide, fearing their Revolt to the Prince of the same Religion and Country; no sooner was his late Majesty marched out of the City with these his Forces, but 6000 of the Country Militia by his Order took Possession of the Place, the Colonels *Luttrell* and *Mac. Gillicuddy* being left Governours. King *James* having joyned the rest of the *Irish* Forces, the total amounting to 36000 Men besides 15000 which remained in Garrisons, repassed the *Boyne*, for it was thought Policy to avoid Fighting (by his Council) they designing to weary out the *English* by walking them along the River, for it seemed a thing impossible for them to pass it, while he had Forces enough to defend the Banks at such an Advantage; but the unfortunate King fearing the worst, and mistrusting the Issue, sent to Sir *Patrik Traut* Commissioner of the Revenue to prepare him Ships at *Waterford*; that in case of his being defeated, he might sail for *France*. The *Irish* being in this Position, His Majesty King *William* on the 30th of *June*, by break of Day, marched from his Camp at *Ardee* towards *Drogheda*, and while the Foot and Artillery arrived, his Majesty narrowly visited the Posture of the Enemy, and the Fords thereabouts which he found to be very difficult to pass; and thereupon the King being very busy in viewing the Enemies Camp, and searching for the most fordable Places in the River, and after his Toil, alighting of his Horse, he rested himself upon a rising Ground, where he refreshed himself an Hour, but as he was mounting he was levelled at by a Field Piece, planted the other side of River opposite to him, which

1690 which killed one Man and two Horses within a 1000 Yards of him, and after, another was fired, which had almost given the fatal Blow (had not Divine Goodness prevented it) for his Majesty received a Wound in the right Shoulder by the rebounding of the Bullet, from the Bank of the River, but this light Business hindered not the King to continue on Horse-back four Hours after, to give the necessary Orders.

The two Armies being thus in sight one of another, and nothing hindring them to engage but the River between them; King *William* about 9 at Night called a Council of War, to advise what method to take under those Circumstances; he declared to them that it was his Resolution to pass the River the next Morning. Duke *Schomberg* did not approve of this at first, but finding the King firm in his Intention, they fell to consult how it could best be effected. At last having got Guides acquainted with the River, this Regulation was agreed upon, that early in the Morning Lieutenant General *Douglas* commanding the Foot, and Duke *Schomberg* with the Horse of the right Wing, were to march towards *Slane Bridge*, and endeavour to pass the River there at two or three Fords, being about three Miles beyond the Camp, and attack the Enemy in the Flank: According to the Result of the Council, early the next Morning, which was *Tuesday* the 18th of *July*, *Douglas* and Duke *Schomberg* passed the River, and at their Arrival they found themselves attacked by a Regiment of Dragoons, who as soon as they came near the Banks fired upon them, but the *English* in as good Order as the Place would allow them to be in, took the Water, and got both Foot and Horse on the other side, upon which the Enemy's Dragoons began to retreat to the main Body, which they could not do without the Loss of a considerable Number of them. Here Lieu. Gen. *Douglas* observing that the Enemy extended themselves into two Lines he sent for more Foot to extend his to the same manner, which done, he finding that there was a great Bog to the left, thro' which it was impossible for the Horse to march, the Figure was altered, and all the Horse commanded to the right, and the Foot to take the Bog: Upon this the *Irish* retreated, tho' their Foot suffered much by Duke *Schomberg's* Horse. Hereupon the King, tho' he was ignorant of what had passed between *Schomberg* and the Enemy, yet supposing that by that time, they had passed the River, ordered three

Battle of  
the *Boyne*.

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three Attacks to be made, the first at a good Ford before a small Village, which was advantageously possessed by the Enemy, the *Dutch* Regiment of Foot Guards took the River first at *Old Bridge*, wading to the middle; as soon as they advanced to the middle of the River, the Enemy from the other side behind the Ditches and in the Village, fired upon them all at once, yet they made no Halt, but as soon as they got footing on the other side, they drew up in two Files and then fired upon the *Irish*, who not bearing the Charge quitted their Posts; but before the third Battalion of that Regiment had passed the Ford, 5 Battalions of the *Irish* came up very boldly at the Distance of a Pike's length, to beat the Assaultants back, but they firing upon them and their Followers, they retired with the Loss of some Men, and one of their Colours: Then the *Dutch* advanced beyond the Village, putting the *Irish* Foot to flight before them, at what time they were vigorously charged by a Squadron of the late King *James's* Horse, tho' to little Purpose: But about this time a Squadron of Lieutenant General *Hamilton's* Horse coming down to the brink of the River to oppose *Sir John Hammer's*, and Count *Nassau's* Regiments in passing it, tho' they could not hinder their Passage, yet in their Retreat, they fell upon the *French* Foot with that incomparable Resolution, that part of them broke through *Monsieur Callimot's* Regiment, and then wheeling about thro' the Village to recover their own Men, they were intercepted by the *Dutch* and *Inniskillin* Foot, and most of them, after a valiant Resistance, cut off. The *Dutch* that passed first the River were by this time advanced as far as the Hedges into the open Fields, at what time the *Irish* Horse came down upon them again, and both flank'd and fronted them, killing a great many, but their main Body was so firm and close, and other Regiments coming up to their Assistance, that the *Irish* were forced to retire, but not without some Loss; and to renew the Charge, a few Squadrons of the *Irish* Horse came with fresh Courage to attack the *Dutch*, but had something to do first by the Way; for by this time the *Inniskillin* Men and the *French* Foot were advanced into the Field, who vigorously engaged the Enemy, and obliged them to retire with a considerable Loss.

In the mean time the *Danes* came up to the Left, as also the Brigades of *Hammer* and *Meunier* on the Right;

the



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the first were so valiantly attack'd in the Front by *Milton's* Horse, that they were forced to retreat and many of them to cross the River again. Here about 30 Officers and others of King *James's* Guards, setting furiously upon the Enemy, were all cut off to 5, who endeavouring to escape thro' the Village, met (as some supposed) with Duke *Schomberg*, who was shot in the Neck with a Pistol-shot, and receiving divers Cuts over the Head, fell off his Horse, not speaking a Word, and Capt. *Faubert* alighting to relieve him, was shot in the Arm; and not long before Dr. *Walker*, who was so famous for the Defence of *Derry*, as you heard before, as he had passed the River, received a Wound in his Belly, of which he instantly died. The Death of Duke *Schomberg* was otherwise Reported by some; That he having advanced so far towards the Enemy, their Horse made a desperate Charge upon him, and he had not above 300 Men to sustain it behind him, In this Charge he received two Cuts in his Forehead, but it was thought he had his mortal Wound from the French firing behind him.

During these Actions, King *William* had passed the River before with the Left Wing of the Horse, with which he advanced towards the *Irish*, that were now in very good Order marching up to meet them, but being come within Musquet shot of the *English*, they made a Halt, and upon the advancing of the King's Left Wing of Horse, that were very eager to charge them, they faced about, and made their Retreat again towards *Dunmore*, where King *James* was, at whose Presence, and having the Advantage of a Hill, upon which *Dunmore* a small Village stood, they rallied and faced about, and charged the Horse drawn up by King *William* with such Vigour, that they were forced to give Ground; at which his Majesty in his Retreat, rid to the *Inniskillingers*, and headed them against the Enemy, that were now very bold upon the Advantage they had gained: The *Inniskillenger* Men fired briskly at the audacious *Irish*, but his Majesty wheeling to the left, to give Room for his own Men to advance, the *Inniskillengers* did the same, as if they were obliged to follow their General, which gave the *Irish* a further Opportunity to make good their Posts; hereupon the King rid to the Left and drew up his *Dutch* Troops, at which time the *Inniskillengers*, conscious of their Mistake, returned to their old Posts, and fought resolutely: But the *Irish* still showed themselves very

bravely

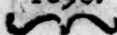
bravely: for by this time part of their Number had beat a Party of the *English* commanded by Lieutenant General *Ginkle*, who had charged them in a Lane to the Left: yet here some Dragoons having Orders to alight and take the Advantage of a Hedge and a Ruined House near the Lane, put a stop to the Career of the Enemy, whereby the *English* had time to Rally and begin the Charge afresh. And thus the Fight continued in a dubious State, and yet rather inclined to King *James's* Side, which did a little revive his drooping Spirits, as conceiving that all the Hopes of his Restoration depended upon that Day's Work.

Things being thus in a most co-equal Posture, the *Irish* Foot began to abate their Courage, and slacken in the Repetition of their Firings, at which Lieutenant General *Hamilton* (a Man, tho' an Enemy to the Protestant Interest, yet, to give him his due, shew'd himself to be an experienced Commander, and a brave Soldier in this Fight) finding that his Foot gave Way, he put himself at the Head of the Horse, and fought obstinately, till such time as the *English*, encourag'd at the Retreat of his Foot, press'd hard upon him, and routed his Troops, and wounded himself on the Head, took him Prisoner, and the rest of the *Irish* Army did not hold out much longer, tho' *Hamilton* when he was brought to the King told his Majesty, that upon his Honour, he believed they would fight still, for they had a good Body of Horse.

But to return to the Right Wing, the *Irish* were sadly baffled there also: For upon the continual Advancement of our Forces, they quitted several Hedges and Ditches as they were pushed upon, and at last made over a Bog towards a Place called *Duleck*, where they made some shew of Rallying, but upon the News of what happen'd on the Left, they put themselves to an open Flight, and were pursued by the *English* very closely, putting all to the Sword before them. The *English* Horse continued in the Pursuit of them four Miles beyond *Duleck*, which Place was distant four Miles from the Place of Battle; at last, Night coming on, did put a Stop to the Chase, and the King sent to command them to return; where the Foot made a Halt, and having taken Possession of the Booty, consisting of Puggage Chariots, Arms and Ammunition, &c. they stood to their Arms that Night.

The

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The most Famous of King *James's* Followers killed in this Battle, were the Lord *Dungan*, the Lord *Coringford*, and Sir *Neal-O-Neal*, and some others of less Quality, and about 1500 Soldiers and inferiour Officers.

On the other side fell about 400, among whom was the famous Duke *Schomberg*, Dr. *Walker*, and many other brave Officers, besides what died of their Wounds afterwards, one of which was Monsieur *Callimot*.

Upon the Loss of this Battle, the late King marched off with his broken Forces from *Duleck*, where he received the last Rout, to *Dublin*, and having sent for the Magistrates and the Council of the City, addressed himself to them in the following Speech.

Gentlemen,

Had a very good Army in *England*, and when I had the greatest Occasion for them, they deserted me, and went to the Enemy, and made a total Defection against me, and then I retired and went to *France*, where I was kindly received by that King, and had all the Assurance imaginable to re-establish me on my Throne: In some time after I came to this Kingdom, and found all my Roman Catholick Subjects as well equipt and prepared to defend my Cause as their Ability could bear; and tho' I have been often cautioned, that when it came to the Touch, they would never bear the Brunt of a Battle, I could never credit the same till this Day, when having a good Army, and all Preparations fit to engage a Foreign Invader, I found the fatal Truth of what I had been so often cautioned; and tho' the Army did not desert me, as they did in *England*, yet when it came to a Tryal, they basely fled the Field, and left it a Spoil to my Enemies, nor could they be prevailed upon to Rally, tho' the Loss in the whole Defeat was but inconsiderable; so that henceforward I never more determine to head an *Irish* Army, and do now resolve to shift for my self, and so, Gentlemen, must you. It had often been debated, in Case such a Revolution should happen, Whether, upon deserting of the City of *Dublin*, the same might not be fired; I do therefore charge you by your Allegiance, That you neither risle it by Plunder, nor destroy it by Fire; which in all Kingdoms will be judged very barbarous, and must be believed to be done by my Orders; and if done, there will be but

little



little Mercy to be expected from an Enemy that is enraged.

King *James* having staid at *Dublin* one Night, the next Morning, accompanied with the Duke of *Berwick*, the Earl of *Tyrconnel*, and the Marquess of *Powis* as his Attendants, he posted to *Waterford*, and having arrived there the same Day, he went aboard of a Vessel called the *Count de Lauzun*; but the *Sieur Foran*, chief of the Squadron, meeting them at Sea, caused him to go aboard one of his Frigats, in order to make more Expedition in his Passage, and arrived safely in *France*, and took his Residence at *St. Germain*, and there we leave him at present; and before we return to the Armies in *Ireland*, it would not be amiss in this Place to give the Reader an Account how far the *French King* at Sea had contributed to his Restoration, which indeed was very considerable, had his Abdicated Majesty met with the same Success in *Ireland*.

K. James  
returns to  
France.

For about the Beginning of *June*, the *French King* set forth a great Fleet, consisting of 82 Men of War, besides Fireships and Tenders, and stood to the *English Coast*. The Queen having Notice thereof, sent to the Earl of *Torrington*, then Admiral, Orders to fight the Enemy wherever he should meet him, who accordingly on the 24th sailed from *St. Helens*, the Wind at North East, and stood towards the Fleet, which was seen the Evening before off Fresh-Water Gate in the Isle of *Wight*, but the Wind taking them short, he came to an Anchor off of *Dunnefe*, within five Leagues of the *French*, who at 8 the next Morning were at *Compton-Bay*, and in the Afternoon of the same Day several *Dutch Men of War* joined our Fleet, and some other *English Men of War* that had been cruizing abroad.

Now it being the 30th of *June*, the Day before the Battle at the *Boyn*, the two Fleets drew up in Lines off of *Beachy*, about 9 in the Morning, the *Dutch* having the Vanguard, began the Fight, as also did some of the *English*; but being not seconded by the *English Admiral*, who unexpectedly stood away (for which he was tryd afterwards, but was clear'd) whereby (though others attribute our Loss to the Inequality of the Strength, as the Earl pleaded at his Tryal, which was considerable to the Advantage of *France*,) several of the *Dutch Ships* were burnt and the *English* fared but a little better; for

*Dutch and  
English  
defeated.*

1690. those that fought were much batter'd. The Fight continued from Morning to Evening, and the *Dutch* fought so long that scarcely they could make their Escape from being all destroyed. The principal Officers of the *Dutch* killed, were their Rear Admiral *Van Dick*, Rear Admiral *Brackle*, and Capt. *Nordet*: Of the *English*, Capt. *Potham*, and Capt. *Pumroy*, with the two Captains of the Marine Regiments, and Capt. *Goes* lost his Ship:

The *French* after this rowed their Gallies towards *Torbay* and then sent their Boats ashore at *Timmouth*, and set that Village on Fire, as also they did 3 Vessels in the Harbour; but upon the Approach of the Militia that were up in that Country, they retired into their Ships again, carry'd off some Sheep and other inconsiderable Booty, and returned to *Brest*.

The *French* were not a little overjoy'd at the News of this Defeat, and much more at the false News of the Death of the Prince of *Orange* (as they call'd him) that arrived there at this time; and not enquiring into the Proofs of it (which might easily be confuted by King *James's* deserting *Ireland*) had only the Report of one of King *James's* Servants that arrived few Days after, to induce them to a Belief of it; and such was their Joy on this Account, that tho it was brought them about Midnight, yet the Commissaries immediately ran about the Streets, crying out to the People to rise and make Bonfires; so that in less than 2 Hours all the City of *Paris* shined with Fires, and nothing was to be heard, but the Shouts and Acclamations of the People, Drums, Trumpets and other Instruments. Then the Mob made the Effigies of King *William* and Queen *Mary*, and dragg'd them thro the Streets, and after they had satisfied their Contempt, and tired themselves in so doing, they cast them into the Fire, &c. And such was the *French* Curiosity (if it may be so called) that they consulted the Physicians upon this Matter, who, to humour the Consulters, gave their Opinion, That the Wound of a Cannon Bullet was Mortal.

But it is time for us to leave this Kingdom to its Misfortune, and return to *Ireland*, and see something acted in earnest there. Upon the Defeat of the *Irish* at the *Boyn*, King *William* having rested his Forces, the next Day dispatched away 6 Battalions of Foot, and 4 Squadrons of Horse, under the Command of Col. *Melomier*,

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to summon *Dragheda*, and let them know, that if his Majesty was forced to bring his Cannon before the Place, they must expect no Quarter. The Governour at first seemed resolute to defend the Place against all Attempts, but upon Consideration that by all Probability the Irish Army were defeated at the *Boyn*, he accepted of the Conditions proffered him, and marched out with the Garrison, having their Baggage only, for their Arms were denied them.

Now as soon as the late King had left *Dublin*, the Bishops of *Meath* and *Limerick* having formed a Committee, it was agreed to send Letters to King *William* to acquaint him of what passed, and invite his Majesty to the City, and take it into his Protection. On the 5th of *July* the Duke of *Ormond* and Monsieur *Overkirk*, were sent with 9 Troops of Horse, and his Majesty followed with his Army, and encamped at *Finglass*, from whence the next Day, being *Sunday*, he went to *St. Patrick's Church*, where there was a Sermon Preached by Dr. *King*; the substance being about the Power and Providence of God, in protecting his People, and defeating his Enemies.

The King at his entry into the City was presented with two Addresses, the one by the Bishops of *Meath* and *Limerick*, in the Name of the Clergy, and the other by the Magistrates, in the Name of the Citizens; and his Majesty was pleased to set forth his Declaration some Days after to the *Irish*, assuring all, under such a Quality, of his Protection.

But to return to some Military Acts, the King when he marched himself Westward with the greatest Part of his Army, dispatched Lieutenant General *Douglas* with 3 Regiments of Horse, 2 of Dragoons, and 10 of Foot, towards *Athlone*, where he arrived on the 17th, and summoning the Castle to surrender, the Governour, Col. *Grace*, like an old *Trojan*, fired a Pistol at the Drummer that did that Office, saying, that such were the Terms he was for. Upon this impertinent Answer, *Douglas* fell to work to raise Batteries, and planted 2 Field Pieces to prejudice the Besieged's Guns, which took effect in some Measure, and having a Battery of 6 Guns finished by the 19th, they began to play upon the Castle, in which they made a Breach, but it being high and near the Top, and the Train too small for the Enterprise, it was laid aside; however the firing continued very



brisk on both sides, and the Besieged had the good Luck to kill Mr. *Nelson* the Assailants best Gunner, besides the Men before the Town suffered very much, especially the Cavalry, for the *Irish* had wasted the Country and destroyed the same for 10 Miles round, and at that time it was reported, that *Sarsfield* at the Head of 1500 Men was advancing to raise the Siege; upon that the General (having sent his Sick before to *Mullingar*) called a Council of War, and the Result of it was to raise the Siege, which was done on the 25th, when he had lost before the Place both by Sicknefs and the Sword of the Enemy about 400 Persons. The raising of the Siege, gave some Hopes of prevailing to King *James's* Friends; for that King's Interest was sensibly decayed, since their Defeat at the *Boyn*.

In the mean time King *William* being on his March Westward (as was said before) by continual moving came to *Kilkenny*, where the Duke of *Ormond* had arrived some time before, and had taken Possession of it. The King on the 19th of *June* dined with the Duke at the Castle of *Kilkenny*, in which there was plentiful Provision of all Necessaries, left there by Count *Lauxan*, who had deserted it some time before.

The *English* Forces being thus Prosperous in the West, Major General *Kirk* was dispatched with his own Regiment and some other Forces on the 21st following, to lay Siege to *Watersford*. Upon his Appearance before the Town, he sent a Summons to the Garrison, consisting of two Regiments: The Town at first made a fair Refusal to surrender, yet they soon after sent out to know what Proposals they might have; which being the same with *Drogheda*, the Garrison would not accept of, but upon understanding that the Enemy were making a formal Siege, they Capitulated, and on the 25th marched out with Arms and Baggage; and were conducted to *Malton*. The Consequence of this was the Surrendry of the strong Fort of *Duacannon*, having all things convenient in it to make a considerable Resistance; but they accepted of the same Terms with *Watersford*.

Now the Army was upon the March towards *Limerick*, where *Tyrconnel* and *Lauxan* had Rallied and drawn together the late King's Forces, and Encamped within a Mile of the Town, on the other side of the River, advantageously Posted, and at the same time Monsieur *Beisleau*, Governour of the City, was furnished with all

necessaries

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necessaries for the Defence of the Place. On the 9th of *August* the *English* Forces came in sight of the Town. The Enemy thus posted, the *English* in very good Order advanced towards the River, and having set the Pioneers to work upon the Hedges, which they cut down, and other Obstacles in the *English's* Way, they made a good Progress towards the Banks of it, yet the *Irish* from the Thickets and other advantageous Posts, played very furiously upon the *English*, but in spite of all Opposition they made good their Posts, and obliged the Enemy to give Ground. Hereupon the King, tho' it was late, resolved to pass the River, and attack the Enemy in their Entrenchments, and advantageous Post on the other side; but the Officers upon Debate, in Consideration of the approaching Night, offered their Sentiments that it would stand with more Conveniency and Probability of Success to attempt it the next Morning, to which his Majesty was pleased to agree, and by the next Day the *Irish* terrified at the Boldness of the *English*, the Evening before had dislodged themselves, so that the Army passed the River without any Opposition, and drove the *Irish* under the very Walls of the City; but as soon as they got under their Walls, they ply'd their Pursuers with great Eagerness with their great Guns, and several were killed thereby; yet for all this the *English* gain'd Ground still, and at last Encamped within Cannon shot of the Town by 5 in the Afternoon, and began to raise Works for their Defence and shelter against the Enemies Guns; which being effected, the King having disposed of the Army in their respective Posts, he sent a Trumpet into the City with a Summons to the Governour to surrender, and offered advantageous Conditions upon that Consideration; but tho' most of the Garrison shewed some willingness to an Acceptation of the Proposals, yet it was said that the Governour, the Duke of Berwick, and Col. Sarsfield, were very averse to it, and thereupon Boisleau the Governour sent a Letter to Sir Robert Southwell, Secretary of State (because he would evade giving his Majesty the Title of King) importing, That the Town was intrusted to his keeping, by Persons whom he was obliged to obey, and that in Case he had comply'd to the Summons, he was confident that the Prince of Orange would conceive but a very ill Opinion of him, since he had not as much as fired a Gun at him before; therefore he was resolved to maintain the Place to the last Extremity, where-

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English  
Train  
blown up.

by he hoped to gain his Highness's Esteem. Upon this the Trenches were opened, and the *Irish* for their Defence fell to build Forts, and other defensive Inventions, to protect them from the Cannon of the Enemy, who could not do much Execution, they daily expecting their Train and great Cannon, that were not yet arrived at the Camp. About this time a *French* Gunner in the *English* Camp having revolted into the Town, gave an Account to the Besieged of the Enemies Posture, and which way the Train was to come; upon which Colonel *Sarsfield* was dispatched in the Night with a considerable Body of Horse, who crossed the River, and directed his March towards a little old Minory Castle called *Ballenedy*, whereunto the Train came, being within 7 Miles of the *English* Camp: Here the Colonel waiting his Opportunity, fell on all of a suddain upon the Convoy that guarded them, and made a terrible Slaughter of them, sparing not the Waggoners, and the Country People that were carrying Provisions into the Camp. The Convoy upon the Alarm made what Attempt they could to get to their Horses that were a grazing, to put themselves in a Posture of Defence, but most of them that endeavoured to fetch them up were intercepted by the Enemy and cut to Pieces, and all their Horses taken; but some of the *English* Officers made what Resistance they could to defend the Ammunition, tho' to no Purpose; for the *Irish* having killed about 60 Persons, and thinking it not worth their while to pursue those that made their Escape, began to break the Boats, and having gathered the Carriages, Waggons, with the Bread, and Ammunition, and as many of the Guns as the shortness of time would permit them, into one Heap, and having filled the Guns with Powder, and placed their Mouths to the Ground, for their more certain splitting, they at their Departure set fire to the Heap, which was blown up into the Air, making a most astonishing Noise; and the Enemy got away before Colonel *Cunningham* with a Party of 500 Horse, who was upon his March to meet the Train, reached them, and in his Pursuit after them he had no better Success; for wheeling towards the left to intercept the Enemy in their Retreat over the *Shannon*, they passed clear another way into the Town.

This bold Feat of *Sarsfield* contributed not a little to the raising of the Siege, as you shall hear by and by; and



and he himself was reported to say to a Prisoner taken by him, *that if he had not succeeded in that Enterprize, he design'd to go for France.*

The *English*, tho mightily discouraged at the mentioned Disaster, yet resolv'd to continue the Siege, and the great Guns that came from *Waterford* by Sea, being by this time arriv'd in the Camp, Batteries were rais'd, and all things being in a Readiness to make Breaches in the Walls, on the 17th the Prince of *Wirtembergh*, Lieutenant General, Major General *Kirk*, *Tetteau*, and Sir *Henry Bellasis*, Brigadiers, with 7 Battalions entred the Trenches, and made an Advancement of 300 Paces and took 2 Redoubts from the Enemy, who seem'd to dispute the Ground Inch by Inch. Another strong Redoubt of the Besieged was approached to by Lieutenant General *Douglas*, Lord *Sidney*, and Count *Nassau*, and on the 20th the sign was given by firing of 8 Guns about two in the Afternoon, for attacking the same; hereupon the *English* to the Number of 150 besides Officers, went on to work with great Resolution, and after an obstinate Fight, they entred the Fort and drove out the Enemy, killing about 40 of their Number, but about half an Hour after the Besieged sallied out with a considerable Body both of Horse and Foot, upon the *English* that had taken the Fort, but they were forced to return, *re infecta*. Now it being the 22d when the Besiegers had battered all Day their High Towers, and made a considerable Execution therein, in the Night they threw several Bombs and Carcasses into the Town, as they did the next Day red hot Bullets and Bombs.

All the Besiegers Batteries being finished, and 30 Pieces of Cannon mounted on them, the Trenches by the 25th were advanced within 30 Paces of the Ditch, and a considerable Breach being made in the Wall near *St. John's Gate*, and part of the Counterscarp; on the 27th the King order'd the Counterscarp should be attack'd that Afternoon. About 3 a Clock after the signal was given by firing 3 Pieces of Cannon, a Detatch'd Party of Granadiers made the first onset, firing with their Pieces, and throwing in their Granadoes: Then the *Irish* receiving the Alarm, powred whole Vollies both of great and small Shot, without any Intermision, and the Assailants were as diligent in the Repetition of theirs; upon which other Detatchments seconding the said Granadiers, the fight prov'd very terrible and dubious on

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both sides, till such time as Capt. *Carlisle*, commanding the Granadiers mounted the Countercarp, and tho he was killed there, yet his Lieutenant encouraging the Men, they went on boldly; at which the *Irish* were so terrified, that they began to lighten themselves of their Arms for their better Expedition, and fly into the Town: Upon that some of the Assailants, contrary to their Orders, in the Heat of Action, entred the Town pell-mel with the Run-away *Irish*, who fled from the very Walls of the Town, and retreated over the Bridge into the *English* Town, but the *Irish* observing that few of the *English*, viz. about half of the Earl of *Drogheda's* Granadiers had entred the Town, and that the rest did not second them, they Rallied and faced the Assailants, and plyed them so hot that few of them got out of the Town with their Lives; and upon that the *Irish* came upon the Breach again, and the Resoluteness of the Women was so great that they audaciously appear'd upon the Breach, and ply'd the *English* incessantly with Stones, broken Bottles, and all other such like destructive Instruments that came first to their Hands, while the Men on their Part could not for shame be less valorous, so in fine the Besiegers were forced to quit their Posts and retire into their Trenches; and here a Regiment of *Bradenburghers* having, through their Valour, got upon the black Battery, were most of them on a suddain blown up.

Siege raised.  
1690.

K. William leaves Ireland.

This Action continued above three Hours, in which at least 500 of the *English* were killed upon the Spot, and above twice as many wounded. Upon Consideration of this ill Success, and the far Advancement of the Season, the King thought it high time to raise the Siege; so that on the 30th of this Month, the heavy Baggage and Cannon were sent away before, and the next Day the Army decamped, and marched off towards *Clonmel*. The King, after he had constituted the Lord *Sidney*, and *Thomas Conningsby*, Esq; (since made a Lord) Governors of *Ireland*, and having intrusted Count *Solms* with the Command of the Army (who going for *England* afterwards, it was given to Lieutenant General *Ginkle*) he Embarked, accompanied with the Prince of *Denmark* and some other Lords, at *Duncannon*, and arrived safe on the 5th of *September* in *King's Road*, near *Bristol*, and on the 9th came to *Windsor*, where we will leave him, and return to the Affairs of the late King *James*

*James in Ireland*, from which we have made this small Digression.

Besides the unfortunate Success of King *William* before *Limerick*, and his being constrained to raise the Siege; there were several other Towns still in the Possession of King *James's* Favourers, and their Army was yet very numerous, whereby his Friends had some confident Hopes of the Restoration of that Kingdom to his Obedience again; but much about the Arrival of his late Majesty at *Windsor*, the Lord *Marlborough* with a Fleet was dispatched from that Kingdom, and on the 21st of *September* arrived before *Cork* Harbour and came to Anchor; the next Day in entering the Harbour, he was opposed by the Enemy who had a Battery of 8 Guns there, but my Lord having sent two or three Armed Boats on shoar, who by their firing obliged the *Irish* to quit the Guns, which they dimounted and took Possession of; the next Day the greatest Part of the Land Forces were sent up the Passage, headed by the Duke of *Grafton*, 6 Miles from *Cork*, and having arrived by the 24th within a Mile of the Town, they began to mount their Cannon, having between 5 and 600 Seamen, Gunners, and Carpenters, who were very serviceable in mounting. Here Major General *Scravenmore*, with 1200 Horse and Dragoons, with Major General *Tetteau*, and 2 Battalions of *Danes*, marched to join the Lord *Marlborough*, as also did the Duke of *Wurtemberg* with his *Danes*, and other Detachments of *Dutch* and *French* Foot (upon Report that the Duke of *Berwick* designed to raise the Siege) and on the 26th Encamped on the North side of the Town. The Besiegers began to ply the Town (having taken the *Cat-Fort* before without Blows) with Bombs, and the continual battering of the Wall; by the next Day they made a considerable Breach in the Wall; at which the Defendants fearing that the Enemy should storm the Place, beat a Parley in the Evening, and sent an Officer to Capitulate. Hostages were exchanged, and a Cessation of Arms agreed upon, but the Besieged not complying with the Terms proposed, the firing was renewed, and a considerable Breach was made by their Cannon in the Wall, upon which Brigadier *Churchill* with 4 Regiments went to pass the Island, being near the Wall where the Breach was made, which they performed with invincible Courage, being up in Water to the Arm-Pits; my Lord *Colchester* commanding



1690.  
  
 Duke of  
*Grafton*  
 killed.

*Cork* sur-  
 rendered.

ing the Granadiers led the Van, and valiantly took the River in spite of all the Enemies firing, tho they were within 20 Yards of the Walls of the City; but here the Duke of *Grafton*, who marched a Volunteer, received a shot in the Shoulder of which he afterwards died. The Assailants having thus advanced, the Besieged beat a second Parley, and at last the Earl of *Tyrone*, and Col. *Ricaut* being sent from Col. *Makillicut* that commanded in the Place, agreed to the Lord *Marlborough's* Conditions, which were, That the Garrison, being 4000 Men, should be all Prisoners of War, both Officers and Soldiers, and that all the Arms and Inhabitants should be secured, all the Protestant Prisoners set at Liberty; that the old Fort should be delivered up within an Hour, and the two Gates of the City the next Day at Eight in the Morning, that an exact Account should be given of the Magazines, as well as Provision and Ammunition; the Prisoners of Note were the Earls of *Clancarty*, and *Tyrone* the Governour of the Place, and many other Officers of Inferiour Degree.

The English animated with this Success, in the Afternoon of the same Day, a Detachment of Horse and Dragoons, under the Command of Brigadier *Villiers*, went to Summons the Town and Forts of *King'sale*: The Brigadier, upon his Approach, found the Town deserted and set on Fire by the Enemy, who had retired into the old Fort. The Earl of *Marlborough*, setting out from *Cork* on the first of October, arrived at *Five Mile-Bridge*, and the next Day entred the said Town, which the advanced Detachment had industriously preserved from the Flame: The Earl having formed the Camp in the Evening, bended his Forces against the New Fort, while General *Tetteau* was ordered to attack the Old Fort, which he did early the next Morning, having passed the River in Boats, he made a shew of storming it in the weakest Place, where most of the Defendants flocked to oppose the Enemy, and in the Interim another Detachment made a bold Assault in another Place, where the Besieged least suspected them, and by that Means the Assailants soon gained the Bastion, and at the same time several Barrels of Powder happened to take Fire, whereby near 40 of the Defendants were blown up. Upon this, the Gunners retired into an old Castle in the midst of the Fort, and immediately submitted to be made Prisoners of War, having lost by the Enemies Sword, and the unfortunate Accident of Powder, about

200 out of 450. This Fort being thus gained, the Lord Marlborough sent to Summons the new Fort, being more considerable than the other; The *Irish* in the Fort, tho' altogether unsuccessful in the Defence of other Places, seem'd to hazard the storming of it, as appeared by the Governour's Answer to the Summons, saying, *That it would be time enough to talk of that a Month hence.* Upon this the *English* went to work with their Batteries, and by the ninth they got near the Counterscarp and on the twelfth, mounted six Pieces of Cannon to the left, where the *Danes* made their Attack, and two Mortars where the *English* were, all which so continued firing, that there was on the *Danes* side a pretty considerable Breach made, but it proceeded not so successful on the *English*'s side; therefore on 14th, three Cannons more were placed on their Battery, which played all the Morning of that Day, with more than usual Constancy, so that the Assailants having their Galleries, and every thing requisite in readiness to have laid them over the Ditch, the Defendants beat a Parly about one in the Afternoon, yet the Articles of Surrendry were not agreed to till Midnight, which were in Substance that the middle Bastion was to be delivered up by the next Morning; that the Garrison being about 1200 Men should march out the next Day after, with Arms and Baggage, and to be conducted to *Limerick*; the *English* Loss before this Place, was no less than 200 Men killed and wounded: But this was of no Moment, in Comparison to the Advantage they gain'd, by subduing this and *Cork*, for thereby a Stop was put to all Supplies from *France*: And now King *James*'s Party began to despair to maintain his Right, as they would have it in that Kingdom, yet they were not wanting to contribute the utmost of their Ability to retrieve their own Honour, and his Majesty's Interest, as you shall hear the ensuing Year, which we are going to enter upon, and Prosecute the Actions of both Parties to a final Period in this Kingdom.

In the two last Months of the preceding Year, as also the Beginning of this, we find nothing remarkable in Relation to the two Armies, save that the *English* were now and then surprized by the *Rapparees*, and the Native *Irish* with different Successes. King *James*'s Army being generally worsted the last Year in all Actions between them and the *English*, except that of *Limerick*

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*rick* (as is said before) were content to play the defensive part, and keep what they had till further supplies from *France*. But the *English* about the beginning of *June*, thought it high time to undertake some Enterprize, and having laid Siege to *Baltimore* in the possession of the Enemy, it surrendred without much time or toil spent, on the ninth of the same Month. From hence the *English* marched towards the *Athlone*, at the News of whose Approach, the *Irish* neglected nothing that was practicable to render the Place as impregnable as possible: The Enemy appearing before the Town, on the 19th began to combat with the *Irish* that had entrenched themselves in their Ditches before the Walls of the *English* Town of *Athlone*; and having beaten them out of the Ditches they took Possession of the same, and the next Day a Council of War being called, it was resolved to storm the *English* Town, and in order thereto, a Battery being raised, by continual firing of that, a Breach was made in the Wall: Then the *English* went on boldly towards the Breach, which they mounted with brave Resolution, tho' the Defendants on their Part, were not at all inferior in Courage to oppose them, but the Town was taken, and most of the Defendants that made the least shew of Opposition, fell by the Sword in the Heat of the Action, and several endeavouring to save their Lives by flight, perished in the Water. But for all 'this ill Success of the Besieged, yet they were still in the Possession of the *Irish* Town, and seemed not to be so discouraged at their late Loss, and as to be any ways daunted to defend their Posts to the last Extremity, and the *English* were no less elevated at their Success, and therefore having planted some Batteries, and raised their Cannon and Mortars, on the 22th they began to play very furiously on the North East side of the Castle, where it was most pregnable, and the *English* having fired by their Granadoes a Mill by the Bridge, wherein were about 64 Persons of the Besieged, who were all destroyed, save one Man, yet for all that, the Defendants held out still, which obliged the *English* to raise more Batteries, one below, and another above the Bridge, and a third without the Town Wall near the River side, which River they designed to pass, but they found that the Besieged were no less active to raise Batteries, and make other Preparations for their Defence, whereby the *English* were frustrated in their Designs, especially



especially in passing the *Shannon*; whereupon the Besiegers began to make their Attempt upon the Bridge, but the *Irish* were so valiant in their Post, that the Attempters were glad to retire in great Haste, yet for all this the *English* on the 27th in the Evening, throwing in their Granadoes upon the Enemy, burnt their breast Work, and the next Morning having gained this Point, they laid their Beams over, and partly planked them, and a Party of the *Irish* endeavouring to ruin them, were all cut off: But for all that, another Party being but 10 Men boldly came up, and almost beyond human Strength threw down the Planks and Beams in spite of all the Besieged's firing, and the industrious Opposition they made, but before the Work was quite finished, 8 of the 10 Undertakers were cut off, upon which the General resolved to carry on the Work by a close Gallery on that Bridge, whereby he designed to pass the *Shannon* the next Day, but his Industry proved ineffectual. As for the *Irish* they made such a bold Attempt upon the Gallery and them that maintained it, that they beat the latter, and burnt the former, at which the General was so dissident of taking that Town, that the next Day being the 30th, he held a Council of War what to do in this Juncture; whether to attempt another Attack, or draw off from before the Place. The chief of the Council were for continuing the Siege, and making another Attempt, and proffered themselves to be the first Attempters, and accordingly the next Day Captain *Sandys*, and two Lieutenants leading a Party of Granadeers all in Armour, were the first with a most resolute Boldness that took the River, and other Detachments, all 20 a Breast seconded them, and with much ado, being sadly galled by the Enemy, got clear on the other side of the *Shannon*, whose Stream was very rapid and deep at that time, which rendred the Attempt more difficult: Notwithstanding the *English* having got over, gave Opportunity to the rest of their Parties to lay Planks over the broken Part of the Bridge, while others were laying the Bridge of Boats; so that they passed over so fast, that in less than half an Hour they became Masters of the Town, but not without a considerable Slaughter of the Enemy, who fled in great Haste towards the *Irish* Camp, that was not far of from the Town. Monsieur *St. Ruth* the General of the *Irish* Army and French Auxillaries was reported to say, upon Notice that the *English* approached the Town, That it was a thing impossible for the *English*

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glish to pretend to take a Town, and he so near with an Army to succour it: But after the English were in Possession of it, he ordered several Detachments to beat them out again, but it was now too late, whereupon Monsieur thought it the safest Way to decamp, which he did that very Night, and pitched his Camp on the other side of *Agbrim* Castle, a very advantageous Post, which he endeavoured to make good with all Industry. The English General *Ginkle*, after he had put the Town of *Athlone* under some Regulation, on the 11th, marched after the Enemy, and advanced to *Balishanoe*, and encamped along the River *Suck* upon *Roscommon*-side, being within three Miles of the Enemy, who were very busy in extending themselves on the Right from the Church of *Killcommadon* to *Gourtnapori*, about two Miles in Length; their left was extended by a small Brook, with advantageous Hills and Boggs on each side, so that it was not passable for Horses any where, save just at *Agbrim* Castle, which commanded that Pass with great Advantage, as did a rising Ground another Post at a Place called *Urachee* to their Right; and Monsieur *St. Ruth* ordered the Position of his Forces excellently well, by making use of all the Hills, Boggs, and Hedges, which he well lined with Musquetiers, and indeed left nothing unattempted that might render his Camp unassailable: On the 12th, General *Ginkle* being upon his March towards his Camp, *St. Ruth* gave his Men all the Encouragement imaginable, and made them a very florid Speech, intimating how Instrumental and Prosperous he had been in the Eradication of *Heresy* in *France*, and had brought over a vast Number of deluded Souls into the Bosom of the Mother Church: And upon this Consideration, his Master the French King had made choice of him to be the Instrument for the Establishment of the Church in *Ireland*, upon an infallible Foundation (but he forgot that his Master had rejected the Doctrine of the Pope's Infallibility some time before) which could not hereafter be subverted by the Power either of Hell or Hereticks, and that the Dependency of all good Catholicks was on their Courage now in Arms to effect it. He further said, That indeed things since his Arrieal did not entirely answer his Expectation, but for all that, there was a Possibility and now an Opportunity of retrieving them; for he was informed, that the Prince of *Orange's* Heretical Army were to give them Battle, upon which depended the

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the Recovery of their lost Honours, Priviledges, and Estates of their Ancestors, and further to excite them to be valorous, he minded them, that they were no mercenary Army, but such as were more immediately concerned, and had their All lying at Stake, and that the Restoration of a Pious King to his rightful Throne was dependent upon their Valour that Day, as also the Propagation of the Holy Faith, and the Extirpation of Heresy: And for their further Encouragement, he assured them of King *James* his singular Favour to reward each of them according to their Merits, and of the Protection of *Lewis* the great: As also that they should participate of the Prayers of the Church, and of the Favour of Angels, and at last they should be made all Saints, and would be carested in the Bosom of the Virgin *Mary*.

While *St. Ruth* was thus encouraging his Men, General *Ginkle* was upon his motion towards their Camp, and a party of the *Irish* Scouts that were in a moving Posture, upon the Hills for the discovery of the Enemies order, were set upon by a Body of the *English* detached for that Purpose: Between both Parties there happened a sharp, tho' but short Combat; the *Irish* at last were put to flight, and were forced to quit their Posts and retire backwards so far as within half a Mile of their own Camp: This gave an Opportunity and Advantage to the *English* General to view the Enemies Camp as before Posted, and tho' he was not unsensible of the Difficulty to attack them, yet he was resolute upon it, and saw a Necessity in the first Place of gaining the Post of *Uzathree* to the Right of the Enemy (as before said) and having sent some *Danish* Troops to force it, they by reason of their Fewness succeeded not according to Expectation, so that 200 of *Cunningham's* Dragoons were sent to take Possession of a certain Ford to prevent the Enemies coming over, and had Orders to make themselves Masters of other Posts on the Enemies Right, in Order to have a fair Field to attack them on that side; but on the other side of the Brook, a Body of the *Irish* was posted, who upon the Advancement of the *English*, retired beyond a Hill nearer the Camp, where was encamped a greater Body, who assisted with other fresh Parties, engaged the advanced Dragoons, and obliged them to Battle of retreat, upon which *Eppinger's* Dragoons advanced to the *Agrim*. Assistance of the other, with an Intention to get between the Enemy and their Camp, and by that Means

here



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hem them in on both sides; but this failed them, and now the *Irish* were more vigorous in their Charge, and had totally defeated the *English* Dragoons, had not the Earl of *Portland's* Horse seconded them; who, tho' not without a considerable Loss, at last forced the Enemy to retire. The Opposition made here by the *Irish*, caused the *English* Officers to consult, whether it was best to defer the Battle till the next Morning (it being now between two and three in the Evening.) It was carried in the affirmative, and thereupon they sent for their Tents; but all of a sudden, perceiving the Enemy in some Disorder from what Skirmishes had happened, they altered their Resolution, and by the Advice of Major General *Mackay*, it was resolved to proceed in the Prosecution of the Charge on the Enemies Right, in Order to oblige them to draw Part of their Forces from *Agrim* Castle, near unto which, their main Body was encamped, and by this Means the *English* Right Wing would have a more easy Passage, and get a fairer Opportunity to engage, for it was impossible for to attempt any thing on that side, without drawing some of their Strength from near the Castle. Now the *English's* Left Wing moved towards the Enemy, and by five of the Clock came within Musquet shot of the Ditches, which were strongly guarded with *Irish* Musquetiers, sustained by their Horse that were advantageously posted behind them. Here the *English* charged them very resolutely, but they were recharged by the Enemy with no small Bravery and unusual Valour, maintaining their Posts to the last Extremity, for they would not stir from one side of the Ditches, till the *English* had advanced so far as to put their Pieces over at the other side, and then having Lines of Communication from one Ditch to another, they would presently post themselves and flank the *English*, who suffered very much in this Place; the dispute lasting for an Hour and half before the right Wing of the Enemy, and the Center began to engage. Now Major General *Mackay* finding according to his Design, that several Bodies both of Horse and Foot moved, and were a moving from the left to the right, to oppose the *English* Charge, laid hold on that Advantage, and speedily ordered the Foot to march over the Bog, which fronted the Enemies main Battle, and in the mean while three Regiments of Foot had Orders to advance over the narrowest Place, where the Hedges

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on the Enemies side ran furthest to the Bog, where they were to post themselves, and divert the *Irish*, while the Horse could come about by *Agrim* Castle, and sustain them: The Foot marched over the Bog, most of them passing up to the Middle in Mud and Water, and so continued in their Advancement towards the Ditches, tho' they were incessantly plyed with the Enemies firing, yet they (after a sharp Dispute) gained the *Irish's* lowest Hedge, and beat them off from thence, and advanced upon them continually, beating them from Hedge to Hedge, till they retired very near their main Body; but here the *Irish* having most prudently ordered the Matter, so that they had made a free Passage for their Horses among all those Hedges, whereby they had Communication one with another, and Opportunity to sustain each other, where the *English* pressed hard, by this Means, both the Horse and Foot poured whole Vollies upon the advanced *English*, and having extended their Wing, they both fronted and flanked them, so that the *English* were forced with great Loss to quit their Ground, and retire to the Bog again, and here the Colonels *Earl* and *Herbert* with their Regiments suffered very much, both the Colonels were taken Prisoners, but the former after thrice taking and retaking got off at last, tho' not without being Wounded, but the latter fared not so well, for in the hurly burly when his own Men were like to rescue him, he was killed; and while the *Irish* prevailed thus here, they were no less successful towards the lower end of the Bog, where Colonel *St. Johns*, Colonel *Tiffin*, the Lord *George Hamilton*, with several other Regiments, and the *French* in the *English* Service, had advanced up to the Ditches without any Opposition, but when they came within Musquet shot of the Ditches, the *Irish* that were so concealedly planted there, that they were undiscoverable to the Advancers, all of a sudden fired upon them most furiously, and the Smoak was so thick, that the *English* could scarce see which way to go, yet they maintained their Ground stiffly. Things being in this dubious Position between the Foot of both Armies, and rather inclining to the *Irish's* Advantage, (for by this time, the *English* in the Center were so far driven back, that they by reason of the Enemies Mixture among them, had no Benefit of the great Guns planted near the Bog) let us see what was a doing all this while by the *English* Horse

1691. Horse, most of which (as said before) were making up to charge the Enemy by *Agbrim* Castle, from which the *Irish* (besides other Obstacles in the *English* way) plyed them with whole Vollicies both of small and great Shot; but for all this, they boldly advanced, and the right Wing broke thro' all Difficulties, and came up to sustain the Foot, who (as we have said) were in eminent Danger; and indeed it was no less dangerous for the *English* Horse, because of the Difficulty of the Pass to relieve them, notwithstanding they at last lodged themselves in a dry Ditch, yet they were still exposed in that Place to the Enemies Firings, both from the Castle and old Walls, and the adjoining Hedges. The *English* Horse being thus opposed here, and void of shelter from the aforesaid Ditch, they advanced forward to gain another Pass, that might prove more advantageous to them, and indeed the Attempt was very audacious, considering the Difficulties they were to undergo, for besides the Cragginess of the Pass, it was so narrow, that there were Room for no more than two to go a breast, and *St. Ruth* seeing them striving here, and make their Advancement good, tho' most of them were killed as fast as they appeared, was reported to say, that the *English* were brave Fellows, and it was pity they should be so exposed. However the Horse seconded with four several Regiments, and assisted with *Levison's* Dragoons, gained the Pass, and beat the Enemy back several times, yet the *Irish* were not wanting to rally, and return upon them with undaunted Courage, and seemed to dispute the Ground with them Inch by Inch; so that on this side, the Event of the Fight seemed still dubious.

But to return to the Center, there the *Irish* fought desperately, and had put most of the *English* Foot to the Rout, which Major General *Talmash* observing, he hasted to their Relief with several of his Men, and thereby he stop'd the Flight of the broken Regiments, caused them to rally and face about, and so the Fight was renewed again on that side. Here the Charge was very hot, for the *Irish* encouraged, with the Advantage they had gained, stood obstinately to it, but after the Loss of about 300 of their Number, they were forced to retreat to their old Ground again, and the *English* advanced also to attack them, where as well as in the right, left, and all along the Line was a very hot Dis-

pute



pute between both Parties, the *Irish* doing all they could to maintain their Ditches and other Posts, and the *English* no less industrious to beat them out of them. Now the Scale began to turn by the Death of Monsieur St. Ruth the *Irish* General, who observing the *English* Horse to advance near *Agrim* Castle, dispatched a Brigade of his own Horse to oppose their Passage, and he himself riding to one of his Batteries to order the Gunners to fire as he directed; from thence the General, being very active, as knowing that the late King's Restoration depended much upon that Day's Work, marched in great Haste towards the Place, where the *English* were endeavouring to get over, and before he came up to the Enemy, he was killed by a great Shot from the *English*'s Batteries, and there he fell off his Horse, and immediately one of his Retinue threw a Cloak over his Corps, and soon after removed him behind the Hill; at what time his Guards thought it prudence to expose themselves no longer, but withdraw from the Battle. The *Irish* Horse perceiving this and mistrusting what had happened, they began to faint in their Charge, and a great Number of them retired in great Haste, at which the *English* at last came on with fresh Courage, and drove the whole *Irish* Army before them, to the Top of *Kilcomodon-Hill*, (at the side of which, Monsieur St. Ruth was shot.) Here the *Irish*, it being the Place where their Camp had been laid, made some shew of Resistance, but having no Head to sustain their Body, they were soon put to an open Flight, the Foot taking a Bog that was on their left behind them, and the Horse the Highway towards *Loughreak*, and the *English* continued in the Pursuit of the Horse near 3 Miles, and marched forward, with a Design to intercept the flying Enemy at an advantageous Pass near *Loughreak*: But Night coming on, and a thick misty Rain following at the same time, prevented them of their Intention, and gave an Opportunity to the *Irish* to escape. It cost the *English* in this Battle 600 Soldiers, and 73 Officers killed, of both Officers and Soldiers 1100 Wounded. There fell of the *Irish* about 7000 and the Loss of the Field, which gave Opportunity for the *English* to march without any more Opposition to *Galloway*, then in the Hands of the *Irish*.

The Night after the Battle, the *English* for fear of a Surprise from the Enemy, lay upon their Arms all Night; and after few Days Refreshment they marched

St. Ruth  
killed.

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Galloway  
invested.

towards *Galloway*, and having appeared before the Town, after the Posting of the Army about the Place, a Trumpet was sent to Summon the Garrison to Surrender. But the Lord *Dillon* the Governour of the Place, answered in the Name of the Officers in the Town, *That they were resolved to defend it to the last Extremity.* Upon which the *English* General ordered Part of his Army to pass the River, who accordingly did, and attack'd a Fort the Besieged were a building for their Defence, which they took Possession of. Upon that the *Irish* beat a Parley, and Hostages were exchanged, one of which on the *Irish* side, was Lieutenant Colonel *Burk*; who (after the *English* General had found that the *Irish* demur'd upon the Matter of Surrendry) was permitted to go into the Town, to know the Besieged's Resolution, and if they were unwilling to capitulate, Major General *Talmagh*, desired the said Hostage to tell them that when they were ready to begin again, to Fire a Gun into the Air. But the Besieg'd reply'd that there was no Occasion for them to Fire, till they were provok'd to it from without. But at last the Garrison being conscious of their Inability to oppose the Strength of the Besiegers, and no Hopes of Relief left; on the 20th of *July* surrendred the Town into the Hands of the *English*, who after taking Possession of it, and setting all things in order there, directed their March towards *Limerick*: before which Place they arriv'd the 25th of *August*, and the same Day, Major General *Mackay*, and Count *Nassau* with their Regiments, were to possess themselves of *Ireton's* and *Cromwel's* Forts, which they gained without much Blood. And the Forts afterwards were called after their Names, as a small Gratuity of Honour for their Service in subduing the same. On the 27th, other Detachments were ordered to invest *Castle-Connel*, and another called *Carruck a Gunnel*, standing upon the River, three Miles below the Town. Both these after some small Resistance, were surrendred, the Garrisons contenting themselves to be made Prisoners of War. Upon this the Siege went on briskly, and the besieged suffered very much from the Assailants Cannon, and Bombs; both which did considerable Execution, as well in the Camp as within the Town; for all that, the Besieged were no less valorous in their own Defence; tho' now they were under several Discouragements, especially when they saw the *English* Ships come up the River.

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and Fire upon their Horse's Camp near that Place: For before that time, they were generally possessed with some Hopes of Relief from *France*, and that the *French* Fleet should have such a strict Eye upon the *English* one, that they durst not stir to carry any more Forces for that Kingdom. And upon the Neck of this, the Besieged for their further Mortification, were informed of the Defeat of several of their Parties in the County of *Kerry*, by Brigadeer *Levison*. Notwithstanding all these Misadventures, the Besieged gave such Entertainment to the *English*, that the General called a Council of War on the 14th of *September*, to consult whether it was more advisable to continue the Siege, or march over the River to destroy all the Enemies Forrage, in the County of *Clare*, and then make a Blockade. After a hot Dispute *pro* and *con* in the Council, the latter was agreed upon, so that an Engineer had Orders to go with a convenient Guard towards *Kilmalock*, and fortify that Place; but before he had time to comply therewith, he was countermanded, and the Resolution of the Council seem'd to alter; for on the 19th a Battery was raised between *Ireton's* (alias *Nassau's*) Fort, and the old Church, to prevent the besieged from making Sallies from *St. John's Gate*, as 4 Mortars were also raised at *Mackay's* Fort, for the Bombarding of the Town, which was very much damnified from this Fort; for it stood very convenient for the whole Town, that lay in a Line from thence. Things being thus ordered, the *English* General with most of the Horse and Dragoons on the 22d, marched over the River, by a Bridge of Boats made for that Purpose, into the County of *Clare*, to destroy the Enemies Forrage there, and Block up the Town on that Side, while on the other side, he had left the Management of the Siege to *Mackay*, and *Tamash*. The besieged play'd upon the *English* now very briskly, and a Party of their Men attacked Colonel *Matthews's* Dragoons, the Afternoon the *English* passed the River, and obliged the Colonel and his Men to retire, till being sustained by more Forces, sent to their Assistance, they renewed the Charge, which continued with slow Firings on both sides above three Hours, at which time the *English* Foot advanced, who made the *Irish* retire under their Cannon. Upon this the *English* had the Audacity to attack 2 strong Forts near *Thummond Bridge*, both being about a Musket shot of the Bridge, and that on



1691. the left was defended by a Detachment of 200 *Irish*, who at the Advancement of the *English* in Reach of them, fired upon them briskly, as also the rest did from off the Walls, while at the same time the Besieged's Cannon and some Batteries from the King's Castle, ceased not to play. The Adventurers for the Undertaking of this Work were the *English* Granadeers, seconded with 4 Regiments of Foot; and indeed they advanced further, than their Orders, and press'd so hard upon the *Irish*, that they obliged them to quit their first Post; but being reinforced by another Detachment from the Town, they boldly fronted their Enemies, and a short brisk Dispute hapned between them and the *English* Granadeers, who still advanced forward, in Spite of all Opposition; the *Irish* were put to the Rout, and the *English* so closely pursued them, that for Fear they should enter the Town *Pell-mell* with the discomfited Party, the Draw-Bridge was ordered to be plucked up, where most of the *Irish* that got not into the Town before, were either killed, drowned, or taken Prisoners.

The Besiegers having gained these 2 Forts, they lodged themselves within 10 Yards of the Bridge. And the next Day being the 22d of *September*, the Guns and Mortars began afresh to Play upon the Town, as also the Besieged did with theirs, with equal Constancy, and tho it continued to rain all that Day to the Prejudice of both Parties, yet they ceased not from Firing till Night, and soon after about 6, the Besieged beat a Parly on both sides of the Town. Next Morning the *English* General agreed to a Cessation of Arms for 3 Days, proposed by Lieutenant General *Sarsfield*, and Major General *Wanbury*, that came from the Town to that Purpose; for the besieged would send to their Horse Encamped near *Clare*, to have them included in the Capitulation, which after several Debates between *Sarsfield* and several other of the late King's Officers, with the *English* General, was agreed upon and signed the 3d of *October* by both Parties. The Articles consisting of two Parts, Civil and Military; I shall not here contract, but only observe that the Surrendry, not only of *Limerick* was agreed upon, but all Forts, Castles and what Holds soever were in the Possession of the late King's Army, were to be resigned into the Hands of His late Majesty, at the time prefixed in the said Articles, and that as many of

surrendered.

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he Irish, as would or were willing to go for France, to King James, were some time after Shipt off for France, at whose Arrival, the unfortunate King James, directed the following Letter to Lieutenant General Sheldon, who headed those Forces, that followed him to the last Extremity.

## JAMES R.

HAVING been informed of the Capitulation and Surrendry of Limerick, and of the other Places, which remain'd to us in our Kingdom of Ireland, and the Necessities which forced the Lords Justices, and the Officers of our Forces thereunto: We will not defer to let you know and the rest of the Officers that came along with you, that we are extremely satisfied with your and their Conduct, and with the Valour of the Souldiers, during the Siege; but most particularly of your and their Declaration, and Resolution to come and serve where we are, and we assure you, and order you to assure both Officers and Souldiers that are come along with you, that we shall never forget this Act of Loyalty, nor fail, when in a Capacity, to give them above others, particular Marks of our Favour. In the mean time, you are to inform them, that they are to serve under our Command, and by our Commissions; and if we find that a considerable Number is come with the Fleet, it will induce us to go Personally to see them, and furnish them, with all Necessaries, and to give them Quarters of Refreshment. So we bid you heartily Farewel.

Given at our Court at St. Germain's the 27th of November, 1691.

Thus the unfortunate late King, (I say unfortunate both in the Choice of his Religion, when Duke of York, and of his Council when King of England,) lost his Interest in Ireland, which Kingdom indeed had the three last Years suffered very much by the War, and the Popish Inhabitants, were glad now to submit to His Majesty King William, and we shall no more, not so much as hear of a Sword drawn in that Kingdom in the Behalf of King James; who (as before said) after his Defeat at K. Jam's; the Boyne, went for France, and had St. Germain in Lays, Court appointed for his Reception, by the French King; where St. Germain (to look a little back) he had begun the last Year, to

1691. form his Court, which consisted of the following Persons. The Duke of *Pomis* was constituted Lord Chamberlain, Colonel *Porter* Vice-Chamberlain: The Comptroller was Colonel *Skellon*, the Earls of *Dumbarton* and *Albermarle*, Lords of the Bed-Chamber. Grooms of the Bed-Chamber, were the four following Captains, viz. *Mackdonald*, *Beadles*, *Stafford*, and *Trevarian*: The Esquires were the two *Sheldons*; Mr. *Fergus Graham* Privy-Purse; Sir *John Sparrow* belonged to the Board of *Green-Cloth*, and Mr. *Srickland* was constituted Vice-Chamberlain to the Queen. One of the State Officers was Mr. *Brown*, Brother to my Lord *Montague Brown*, and acted as Secretary of State for *England*: One Father *Innes* President of the *Scotch* College at *Paris*, was made Secretary of State for *Scotland*, Sir *Richard Neagle* for *Ireland*: besides Mr. *Carril*, the Queen's Secretary, and Mr. *Stafford*, formerly Envoy at the Court of *Spain*, were added to the Number; whom upon extraordinary Occasions, King *James* used to convene as a Privy-Council: For at that time, the Earl of *Melford*, prime Minister of State, was sent to *Rome* to negotiate King *James's* Affairs at that Court, and perswade his Holiness, if possible, to excite some of the Catholick Princes to lend a helping Hand to his Majesty's Restoration; but the Pope was so far engaged to the Interest of the Emperor in Confederacy with his Majesty King *William*, that he excused himself (as being not supream in Temporal Affairs) and so Nothing came of the Earl's Message.

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nied,

But to return from whence we have a little digressed, after the Reduction of *Ireland*, to his late Majesty, and the Submission of the *Scotish Highlanders*; Several Protestant Jacobites out of both Kingdoms (as well as from *England*) retired to *St. Germain's*, where the Protestant Party began to distinguish themselves, and endeavour to make an Appearance at that Court: And the first step that they made thereto, was to importune King *James* to allow them a Chappel, for the Exercise of their Worship, according to the Church of *England*; and the Proposers of this Request, when they first accosted His Majesty, were not wanting to urge the great Encouragement, such a Toleration would give to his Adherents in *England*, and other Kingdoms, and what Satisfaction and Advantage it would be to such Protestants as followed him. King *James* having patiently heard the Propo-

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sal, and tho both common Policy, and his own Circumstances seemed to convince him of the Reasonableness thereof, and almost every Body believed that it should be presently granted, yet he was pleased to put it off at that time, and consult the Popish Confidants about it, who were so far from advising his Majesty to concur with the Request, that the *French* Jesuites and other Zealots of the *Roman* Church made it their Business daily to insult over Dr. *Granville* (Brother to the Earl of *Bath*, and formerly Dean of *Durham*) who was proposed by the Protestant Party to be their Chaplain: The Dr. resented the Priests Insults so ill, that he not only retired from Court, but also dreading the ill Consequences of the Jealousies, with which they possessed King *James's* Court against him, he was oblig'd to leave the Town of *St. Germans*. The Jesuits having gained their Point in removing the Dr. from near the King, tho they could not pervert him to embrace the Popish Religion, which was their main Aim, yet they had better Success (if it may be so called) in their Efforts upon Dr. *Gordon*, who was a Bishop in King *James's* Reign in *Scotland*, for he was reduced to the Necessity of abjuring his Religion, not for want of Arguments to maintain his Opinion, but for want of Subsistence, which he could not get in that Kingdom, but upon those hard Terms. Upon this Treatment of the two fore-mentioned Divines, King *James* was not unsensible, that such unjustifiable Proceedings at his Court would prove prejudicial to his Interest in *Britain*; therefore he dispatched Mr. *Macqueen* and Major *Scot* into *England*, with Letters from him to his Friends, in which he required, that for the time to come, they should not trouble him with Divines as Messengers; and indeed unaccountable is the Averseness of the *French* Clergy to the Protestant Religion, and for the Prejudice of the Professors thereof, tho Loyalists as they call'd them, they had no less Influence over King *James's* Council, than the Council had over the King himself, whom they perswaded to any thing upon the least Project of advancing the Catholick Faith.

Tho' the reformed Divines were thus treated, yet that did not discourage the Protestant Refugees to advise his Abdicated Majesty, upon the Constitution of the mentioned Council of five, that it would be very conducive to the maintaining of his Majesty's Interest in *Britain*,

1691. *Britain*, that at least one of the Privy-Council should be a Protestant: And they earnestly recommended my Lord Chief Justice *Herbert*, as a Person both qualified for to give Advice in *English* Affairs, and of great Interest and unspotted Reputation in his Native Country. It seems, his late Majesty liked the Proposal very well, and design'd to comply with it, which the Popish Party were aware of, and therefore to prevent it, Mr. Comptroller *Skelton*, conjunctive with Sir *William Sharp*, trumped up an Information against him, accusing my Lord, that he had said, *That King James's violent Temper would ruin himself, and all that followed him.* The Chief Justice upon his hearing own'd the Words, but made such an ingenious Explanation of his Meaning, which was in Relation to the *Act of Settlement in Ireland*, *That King James was fully satisfied of his Integrity.* But tho my Lord came off here with flying Colours, yet some time after, his restless Enemies fell to plotting again, for they drew up another Accusation against him, whereby he was charged, that he kept Correspondence with the *English*, and made a mis-representation of the Transactions of that Court: You may be sure there were Witnesses enough provided before Hand to swear it, and that Home too, and thereupon after a Form of Tryal, his Lordship and a worthy Lady, with whom he boarded, were imprisoned, as also was about the same time, one Mr. *Bromfield* a Quaker, committed to the Bastile, neither did Mr. *Cockburn*, a Scotch Gentleman, meet with any better Entertainment; a Man for his Services to King *James*, that had Merit and Favour enough to deserve a Share in the Management of his Affairs, and for which Reason, I am induced to be a little more particular in the Narration of this Gentleman's Fate: For he having stuck close to King *James* in all his Troubles, and followed him to *Ireland*; from thence after the Battle of the *Boyne*, he endeavoured to make his Escape, but was taken at Sea, and carried Prisoner to *London*; and some time after was exchanged for one Captain *St. Lo*, then Prisoner in *France*. After his Enlargement, and during his Abode in *England*, he ingratiated himself with the most considerable Jacobites, and upon his Departure for *France*, was particularly recommended to King *James*, as a fit Person to be intrusted in the Affairs of the greatest Trust: And according to his Instructions, soon after his Arrival at *St. Germain's*, he told King *James*, that

Lord Herbert accused.

Imprisoned.

1691.

his Adherents in *England* were of Opinion, that my Lord *Melford*, who was now returned from *Rome*, *re infella* (as before said) was a very unfit Person to have so great a Hand (or a Head if you please) in the Affairs of his Majesty, and the best Expedient for the Procurement of the good Opinion of his Majesty's Subjects in *Britain*, and to reconcile them to him, was to put the Management of his Affairs in Protestants Hands. But Mr. *Cockburn* for proposing this Advice, notwithstanding his former Service to King *James*, was in a few Days after against all Justice commanded by an Order from the *French* Court to depart that Kingdom under severe Penalties, for no other Reason than that he was too much a Friend to the *English* Interest; and the Gentleman with no small Regret, was forced to obey the said Order, and made the best of his Way for *Holland*, where he lived (and does still, as far as I know) an Exile, having by adhering to King *James*, lost the Protection of *England*, and by his sticking to the Protestant Religion, the Favour of the *French* Court.

After the Submission of the *Scotch Highlanders*, several Gentlemen and Officers, who saw no Probability of supporting King *James's* Interest any longer in that Kingdom, retired to *St. Germain's*; the chief of which, were the Lords *Dumferling*, *Daride*, and *Dunkel*, Colonels *Cannon*, *Graham*, *Buchan*, *Maxwell*, *Wauchup*; the three last Colonels being Roman Catholicks, and some other Popish Gentlemen, were immediately advanced (by the *French* King's Orders) to considerable Posts, both in the *French* and *Irish* Armies: The rest of the Refugees were but coldly entertained, tho they had been eminently industrious to the Forfeiture of their Estates, and the Ruine of their Families, for the Restoration of his Majesty. Here the Lord *Dumferling* happening to quarrel with one Captain *Brown* a Papist, about a Trifle, lost upon that pretended Account, tho indeed (his Religion was the real Cause) the Favour of that Court, while the Captain, who was equally guilty, soon after, was advanced to be a Commander of a Company of *Scots* reformed Officers in *Catalonia*. My Lord, upon the Consideration of this Treatment, and the Sway the *French* King, with his Popish Clergy, had over King *James* (who indeed, being himself a Refugee, and Dependant upon the *French* King's Pension, could not act otherwise) died (as was suppos'd) for Grief,



Grief, and such irreconcilable Odium the Jesuits at St. *Germain's* bore to this Lord, even now dead, that notwithstanding his Merits, and the Intercession of his Friends, he could not obtain a Christian Burial; but his Corps was hid in a Chamber, till an Opportunity was found of digging a Hole in the Fields, where they laid him in the Night. Neither was the Fate of Col. *Cannon* much less deplorable; but no more of this, we will begin the ensuing Year with something that is more material.

King *James* having lost his three Kingdoms, and his Military Interest in each of them, as before said, this Year, thro the Assistance of his Brother the *French King* and the Invitation (as was thought) of some of the *English Jacobites*, was encouraged to Reinthrone himself by dint of Sword, and in Order thereunto, upon Consideration that the Legitimacy of his Son was generally questioned by his late Subjects of the three Kingdoms, and that King *William's* Declaration mentioned the same, he thought fit to send the following Letter to sundry of the Lords, and others of the Privy-Council.

## JAMES R.

King  
*James's*  
Letter to  
the Council.

**R**ight Trusty and Right Well-beloved Cousins and Counsellors, We greet you well: Whereas our Royal Predecessors used to call such of their Privy-Council as could conveniently be had, to be present at the Labour of their Queens, and be Witnesses to the Birth of their Children. And whereas we have followed their Example at the Birth of our dearest Son *James Prince of Wales*; tho even that Precaution was not enough to hinder us from the malicious Aspersions of such as were resolved to deprive us of our Royal Right.

That we may not be wanting to our selves, now it hath pleased Almighty God (the Supporter of Truth) to give us the Hopes of further Issue, our dearest Consort the Queen being big, and drawing near her time, we have thought fit to require such of our Privy-Council as can possibly come, to attend us here at St. *Germain's*, to be Witnesses of our said dearest Consort the Queen her Labour.

We do therefore hereby signify our Royal Pleasure to you, that you may use all possible Means to come with what convenient Haste you can, the Queen looking about the Middle of May next, English Account. And that you may have

have no Scruple on our side, our dearest Brother the most Christian King, has given his Consent to promise you (as we hereby do) that you shall have Leave to come, and (the Queen's Labour over) to return with all Safety.

Tho the Iniquity of the Times, the Tyranny of Strangers, and a misled Party of our own Subjects, have brought us under the Necessity of using this unusual Way. Yet we hope it will convince the World of the Truth and Candour of our Proceedings, to the Confusion of our Enemies; so not doubting of your Compliance herewith, we bid you heartily Farewel.

1622.

Given at our Court at the Castle of St. Germain's the 2d Day of April, 1692; and in the Eighth Year of our Reign.

J. R.

### Advertisement.

IF the imposing a Supposititious Son upon the Nation, to the Prejudice of the Princess of O. gave the Prince her Husband the Provocation of Invading the Dominions of his Father, and the wresting his Crown from him: The offering to repeat a Trick that proved so successful unto him, is the happiest Advantage that can be given to W. for securing him in his Throne. But it will concern him to use better Methods for the detecting this Imposture, than any he had thought fit to advance in Proof of the former; for neither his own Credit, which he hath stak'd in his Declaration, nor the Topics insisted upon by Burnet and Wildman to disprove the Legitimacy of the last, will pass any longer upon the Nation, to bubble them into a Belief that they are to be cheated afresh. And therefore as they at Whitehal, would not be thought to trust to the preserving that by Power, which they acquired by Falshood, they are bound in Wisdom, as well as Honour and Justice, to gratify the Desire of the King in the preceding Letter. Nor can they take a more compendious Way of being drove back to Holland, with indelible Infamy, than either to conceal the Letters addressed to Persons of Honour and Quality upon this Occasion; or to refuse them the Liberty of going over with as much Safety on this, as is generously offered on that side.

Besides

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Besides the Letters sent to most of the Privy Councillors, as aforesaid, there were also Letters directed to these Persons following, viz.

To 12 Peeres. Dutchess of Somerset, Dutchess of Beaufort, Marchion. of Halifax, Lady Darby, Lady Malgrave, Lady Rutland, Lady Brooks, Lady Nottingham, Lady Lowley, Lady Danby, Lady Freschville, Lady Foxharding.

To 6 Commoners Ladies, &c. Sir John Trevor the Speaker's Lady, Sir Edward Seymour's Lady, Sir Christopher Musgrave's Lady, Sir Thomas Pope Blunt's Lady, Sir John Guise's Lady, Thomas Foley Esq; his Lady; Lady Stamp, Lord Mayor's Lady; Lady Ashurst, Lady Levett, the two Sheriffs Ladies, Dr. Hugh Chamberlain.

I shall not comment upon this Letter, leaving it to the Consideration of the Reader, to construe it as he liketh. But to proceed upon the Narration of the designed Descent; the French having ordered about 20000 Men to be Mustered together, the greatest Part being French, and the rest English, Scotch and Irish Refugees; their Rendezvous was appointed to be at Cherbourg and La Hogue, from whence 15000 of their Number were to make the Descent, and the rest to guard the Coast; but before King James left St. Germain to head these Forces, he thought fit to publish his Declaration, which is as followeth.

*His Majesty's most Gracious Declaration to all his loving Subjects, commanding their Assistance against the P. of Orange, and his Adherents.*

JAMES R.

King  
James's  
Declara-  
tion.

WHEREAS the most Christian King in Pursuance of the many obliging Promises he has made us, of giving us his effectual Assistance for the Recovering of



our Kingdoms, as soon as the Condition of his Affairs would permit, has put us in a Way of endeavouring it at this time, and in order to it, has lent us so many Troops, as may be abundantly sufficient to untie the Hands of our Subjects, and make it safe for them to return to their Duty, and repair to our Standard; and has notwithstanding for the present, according to our Desire (unless there should appear further Necessity for it) purposely declined sending out Forces so numerous, as might raise any Jealousy in the Minds of our good Subjects, of his intending to take the Work out of their Hands, or deprive any true *Englishman* of the Part he may hope to have in so glorious an Action, as that of restoring his Lawful King, and his ancient Government (all which Foreign Troops, as soon as we shall be fully settled in the quiet and peaceable Possession of our Kingdoms, we do hereby promise to send back: and in the mean time to keep them in such exact Order and Discipline, that none of our Subjects shall receive the least Injury in their Persons or Possessions by any Soldier or Officer whatsoever.) Tho an Affair of this Nature speaks for it self, nor do we think our selves at all obliged to say any thing more upon this Occasion, than, that we come to assert our own just Rights, and to deliver our People from the Oppression they lie under; yet when we consider how miserably many of our Subjects were cheated into the late Revolution, by the Art of ill Men, and particularly by the Prince of *Orange's* Declaration, which was taken upon Trust, and easily believ'd then, but since appears notoriously False in all the Parts of it, consisting no less of Assertions that have been evidently disprov'd, than of Promises that were intended to be performed: To prevent the Delusions for the time to come, and to do, as much as lies in our Power, to open the Eyes of all our Subjects, we are willing to lay the whole Matter before them, in as plain and short a manner as is possible, that they may not pretend Mistakes, or have Ignorance to plead for any false Steps they shall hereafter make, towards the Ruine of their own and their Country's Happiness.

And therefore, to take the Matter from the Beginning, it cannot be forgotten, that as soon as we had certain Notice of the Prince of *Orange's* unnatural Design of Invading our Kingdoms, with the whole Power of the

the United Provinces, we first took the best Care we could to provide for our Defence; which we seem'd essentially to have done, when we had put our Fleet and Army into such a Condition, that tho' his most Christian Majesty, who well saw the Bottom of the Design against us, against himself, and indeed against the Peace of Europe, offer'd us considerable Succours both by Land and Sea, we did not think it at all necessary to accept 'em at that time, as resolving to cast our selves wholly (next to the Divine Protection) upon the Courage and Fidelity of our *English* Army, which had been with so much Care and Tenderness form'd and oblig'd by us. And having thus prepar'd to oppose Force to Force, we did in the next Place, apply our selves to give all reasonable Satisfaction to the Minds of our good Subjects by endeavouring to undeceive them, and to let them see betimes, and whilst the Mischief might easily have been prevented, how fatal a Ruine they must bring upon their Country, if they suffer'd themselves to be seduc'd by the vain Pretences of the Prince of Orange's Invasion. However, so great was the Insaturation of that time, that we were not believ'd till it was too late. But when he was oblig'd to throw off the Mask by Degrees, and that it began to appear plainly, that it was not the Reformation of the Government (which yet was a Matter that did not at all belong to him to meddle with) but the Subversion of it that he aimed at, that so he might build his own ambitious Designs upon the Ruins of the *English* Nation: and when the Poison had insinuated it self into the vital Parts of the Kingdom, when it had spread over our whole Army, and so far got into our Court and Family, as not only to corrupt some of our Servants that were nearest our Person, and had been most highly oblig'd by us, but not even to leave our own Children at that time uninfected; when our Army daily deserted on the one Hand, and on the other Hand, Tumults and Disorders increased in all Parts of the Kingdom; and especially when shortly after, the Revolution came on so fast, that we found our selves wholly in our Enemies Power, being at first confin'd by them in our own Palace, and afterwards rudely forc'd out of it under a Guard of Foreigners, we could not then but be admonish'd by the Fate of some of our Predecessors in the like Circumstances of the Danger we were in, and the

it was high time to provide for the Security of our Person (which was happily effected by our getting from the Guard that was set upon us at *Rocheſter*, and our Arrival in *France*, the only Part in *Europe* to which we could retire with Safety) that ſo we might preſerve ourſelves for better times, and for a more happy Opportunity; ſuch as is that which, by the Bleſſing of God, is at preſent put into our Hands.

Upon what Foundation of Juſtice or Common Senſe, the Prince of *Orange's* Faction in *England*, were pleas'd to treat this Escape of ours out of the Hands of our Enemies, in the Stile of an *Abdication*; a Word, when apply'd to Sovereign Princes, that was never before uſed to ſignify any thing but a free and voluntary Reſignation of a Crown, as in the Caſes of the Emperor *Charles V.* and the late Queen of *Sweden*; and what a ſtrange Superſtructure they rais'd upon this weak Foundation, that a Company of Men Illegally met together, who had not Power, even by their own Confeſſion at that time (for it was before they had voted themſelves a Parliament) to charge the Intereſt of the meanest Subject; ſhould yet take upon them to deſtroy the whole Conſtitution of the Government to make an ancient Hereditary Monarchy turn elective; and then, aſſuming to themſelves the Right of Election, ſhould proceed to ſettle the Succeſſion in ſo odd and extravagant a manner, are Tranſactions that need not be repeated. They are too well known to the World, to the great Reſentment of the *English* Nation, and the Grounds upon which they are built, are too vain and frivolous to deſerve a Confutation. Every Freeholder of *England* is, in this Caſe, able to make his own Obſervations, and will, no doubt, examine a little better than hitherto he has done, what Aſſurance any private Man can have of keeping his Eſtate, if the King himſelf ſhall hold his Crown by no better Title.

But ſince ſome Men, that could not ſay one Word in Defence of the Juſtice of theſe Proceedings, would yet take great Pains to ſhew the Neceſſity of them, and ſet forth the extraordinary good Effects were to be expected from ſo very bad a Cauſe; we do not doubt but the Nation has by this time caſt up the Account, and when they ſhall have well conſidered, what Wonders might have been performed, with leſs Expence of *English* Blood, than that which has been unneceſſarily



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trifled away in this Quarrell, that such a Number of Ships of War have been lost and destroyed in the three Years last past, as might alone have been sufficient to have made a considerable Fleet: That more Money has been drained out of the Purses of our Subjects in the Compass of that time, than during the whole Reign of many of our Predecessors put together; and that not as formerly, spent again, and circulating amongst them, but transported in *Specie* into Foreign Parts, and forever lost to the Nation: When these and many other Particulars of this Nature are cast up, it must certainly appear at the Foot of the Account, how much worse the Remedy is than the fancied Disease, and that, at least hitherto, the Kingdom is no great Gainer by the Change.

The next Consideration is, what may reasonably be expected for the time to come: And as to that, no better Judgment can be made of any future Events, than by reflecting upon what is past: And doubtless from the Observation of the Temper and Complexion, the Methods and the Maxims of the present Usurper, from the Steps he has already taken, when it was most necessary for him to give no Distaste to the People, as well as from the Nature of all Usurpation, which can never be supported but by the same Ways of Fraud and Violence, by which it was first set up, there is all the Reason in the World to believe that the Beginning of this Tyranny, like the five first Years of *Nero*, is like to prove much the mildest Part of it; and all they have suffered, is but the Beginning of the Miseries which those very Men, who were the great Promoters of the Revolution, may yet live to see and feel, as the Effect of that Illegal and Tyrannical Government, which they themselves first impos'd upon the Kingdom.

And yet the Consideration must not rest here neither: For all wise Men ought, and all good Men will take Care of their Posterity; and therefore it is to be remembered, that if it should please Almighty God, as one of the severest Judgments upon this Kingdom, for the many Rebellions and Perjuries they have been guilty of, so far to permit the Continuance of the present Usurpation, that we should not be restor'd during our Life time, yet an indisputable Title to the Crown will survive in the Person of our dearest Son the Prince of Wales, our present Heir apparent and his Issue, and so

Default

Default of that, in the Issue of such other Sons as we have great Reason to hope (the Queen being now with Child) we may yet leave behind us; and what the Consequences of that is like to be, may easily be understood by all who are not Strangers to the long and Bloody Contentions between the Houses of York and Lancaster; and whosoever shall read the Histories of those times, and there shall have presented to him, as in one View, a Scene of all the Miseries of an intestine War, the perpetual harrassing of the poor Commons, by Plunder and Free-Quarter; the Ruine of so many Noble Families, by frequent Executions and Attainders; the weakening of the whole Kingdom, in general at Home, and the losing those Advantages they might in the mean time have procur'd for themselves abroad, cannot but conclude, that these are the natural Effects of those Strugglings and Convulsions that must necessarily happen in every State, where there is a Dispute entail'd between an injur'd Right, and an unjust Possession.

There is another Consideration that ought to be of weight with all Christians; and that is, the calamitous Condition of *Europe*, now almost universally engaged in a War amongst themselves at a time when there was the greatest Hopes of Success against the common Enemy, and the fairest Prospect of enlarging the Bounds of the Christian Empire, that ever was in any Age since the declining of the *Roman*: And so far from a general Peace before our Restoration, that no rational Project of a Treaty can be form'd in Order to it; but that once done, the thing will be easy, and we shall be ready to offer our Mediation, and interpose all the good Offices we can with his most Christian Majesty for the obtaining of it.

Since therefore we come with so good Purposes, and so good a Cause, the Justice of which is founded upon the Laws both of God and Man, since the Peace of *Europe*, as well as of our own Kingdoms, the Prosperity of the present and future Ages is concern'd in the Success of it, we hope we shall meet with little Opposition, but that all our loving Subjects, according to the Duty and the Oath of their Allegiance, and as we hereby Command and Require them to do, will join with us and assist us to the utmost of their Power.

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And we do hereby strictly forewarn and prohibit any of our Subjects whatsoever, either by Collecting or Paying any of the Illegal Taxes lately impos'd upon the Nation or any Part of our Revenue, or by any other way to aid or support the present Usurpation. And that we may do all that can be thought of to win over our all our Subjects to our Service; that so, if it be possible, we may have none but the Usurper and his Foreign Troops, to deal with; and that none may be forc'd to continue in their Rebellion, by Despair of our Mercy for what they have already done, we do hereby Declare and Promise, in the Word of a King, That all Persons whatsoever, how guilty soever they may have been (except the Persons following, viz. the Duke of Ormonde, Marquess of Winchester, Earl of Sunderland, Earl of Danby, Earl of Nottingham, Lord Newport, Bishop of St. Asaph, Lord Delamere, Lord Wiltshire, Lord Colchester, Lord Cornbury, Lord Dunblane, John Lord Churchill, Sir Robert Howard, Sir John Worden, Sir Samuel Grimston, Sir Stephen Fox, Sir George Treby, Sir Basil Dismal, Sir James Oxenden, Dr. Filleson, Dean of Canterbury, Dr. Gilbert Burnet, Francis Russel, Richard Levison, John Trenchard, Esquires, Charles Duncomb, Citizen of London, Edwards, Napleton, Hunt, Fisherman and all others who offered Personal Indignities to us at Exeterham; except also all Persons who as Judges or Justices, Men, or otherwise have had a Hand in the barbarous Murder of Mr. John Ashton, and of Mr. Gros, or of any others who have been illegally Condemn'd and executed for their Loyalty to us; and all Spies and such as have betray'd our Councils during our late Absence from England) that by an early return to their Duties, and by any signal Mark of it, as by Seizing to our Use, or Delivering into our Hands any of our Forts, or bringing over to us any Ships of War, or Troops in the Usurper's Army, or any new Rais'd and Arm'd, or themselves or by any other eminent good Service according to their several Opportunities and Capacities shall manifest the Sincerity of their Repentance, shall not only have their respective Pardons immediately pass'd under the Great Seal of England, but shall otherwise be consider'd and rewarded by us, as the Merit of the Case shall require. And for all others who after the time of our Landing shall not appear in Arms against us, nor do any Act or Thing in Opposition to our Restoration, the

Persons



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Persons before-mentioned only excepted, we shall provide in our first Parliament (which we intend to call with all convenient Speed) by a General Act of Indemnity; that so the Minds of all our Subjects may be as quiet, and as much at Ease, as their Persons and Properties will be secure and inviolable under our Government.

Provided always, that all Magistrates who expect any Benefit of our gracious Pardon, shall immediately after Notice of our Landing, make some publick Manifestation of their Allegiance to us, and of their Submission to our Authority; and also publish and cause to be proclaimed this our Declaration, as soon as it shall come to their Hands: And likewise that all Keepers of Prisons immediately set at Liberty, all Persons committed to their Custody, upon the Account of their Allegiance and Affection to us, or be excluded from any Benefit of our Pardon.

And we do hereby further Declare, That all Officers and Soldiers by Sea or Land, now engag'd in the Usurper's Service, who shall after Notice of our Landing, at any time before they engage in any Fight or Battle against our Forces, quit the said illegal Service, and return to their Duty, shall not only have their respective Pardons, but shall likewise be fully satisfied and paid, all the Arrears due to them from the Usurper; and that even the Foreigners themselves, who have been as well in Troops as single Persons drawn into this Kingdom, in Order to Lift them as there should be Occasion, for the opposing our Return, and continuing our People in the Oppression they lie under, may not be altogether driven to Despair, we do promise, That all such of them as shall, as aforesaid, before they engage against any of our Forces, lay down their Arms and claim the Benefit of our present Declaration, shall have their Arrears satisfied, and Care shall be taken for their Transportation to their respective Countries, or elsewhere, as they shall reasonably desire.

And we do hereby further Declare and Promise, that we will Protect and Maintain the Church of *England*, as it is now by Law Established, in all their Rights, Privileges, and Possessions; and that upon Vacancies of Bishopricks and other Dignities and Benefices within our Disposal, Care shall be taken to have them fill'd with the most worthy of their own Communions.

And whereas more Tumults and Rebellions have been raised in all Nations upon the Account of Religion, than on all other Pretences put together; and more in *England* than in all the rest of the World besides; that therefore Men of all Opinions in Matter of Religion may be reconcil'd to the Government, that they may no longer look upon it as their Enemy, but may therefore think themselves equally concern'd in the Preservation of it with the rest of their Fellow Subjects, because they are equally well treated by it, and being convinced in our Judgment that Liberty of Conscience is most agreeable to the Laws and Spirit of the Christian Religion, and most conducing to the Wealth and Prosperity of our Kingdoms, by encouraging Men of all Countries and Persuasions, to come and Trade with us, and settle amongst us: For these Reasons, we are resolv'd most earnestly to recommend to our Parliament the settling Liberty of Conscience in so beneficial a manner, that it may remain a lasting Blessing to this Kingdom.

Lastly, It shall be our great Care, by the Advice and Assistance of our Parliament, to repair the Breaches and heal the Wounds of the late Distractions, to restore Trade, by putting the Act of Navigation in effectual Execution, which has been so much violated of late, in Favour of Strangers; to put our Navy and Stores into as good a Condition as we left them, to find the best Ways of bringing back Wealth and Bullion into the Kingdom, which of late has been so much exhausted, and generally we shall delight to spend the remainder of our Reign (as we have always design'd since our first coming to the Crown) in studying to do every thing that may contribute to the Re-establishment of the Greatness of the *English* Monarchy upon its old Foundation, the united Interest and Affection of the People.

Thus having endeavour'd to answer all Objections, and give all the Satisfaction we can think of, to all Parties and Degrees of Men: We cannot want our selves the Satisfaction of having done all that can be done on our Part, whatever the Event shall be, the Disposal of which we commit, with great Resignation and Dependence, to that God who judges Right: And on the other side, if any of our Subjects shall after all this, remain so obstinate as to appear in Arms against us, as they must needs fall unpitied under the Severity of our Justice.

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sice, after having refused such Gracious Offers of Mercy; so they must be answerable to Almighty God, for all the Blood that shall be spilt, and all the Miseries and Confusion in which these Kingdoms may happen to be involved, by their desperate and unreasonable Opposition.

*Given at our Court at St. Germain's, this present Year, 20th of April, 1692. in the Eighth Year of our Reign.*

*Per Ipsum Regem Manu propria.*

*God save the KING,*

Immediately after the Date of this Declaration, King James having first Knighted his Son, and Invested him with the Order of the Garter, departed from his Court at St. Germain's, and on the 24th of April, arrived at Caen in Normandy, where he stayed some Days, and from thence, accompanied with the Marechal d'Belljonds, departed to Haver de grace; on the 29th the Duke of Berwick, the Colonels Graham, Buchan, Canon, and some other Scots Officers and Gentlemen, came to the Camp, and the next Day the Soldiers began to Embark, but the Vessels that crossed from Haver de grace to La Hogue, being by foul Weather driven to shore, and damaged very much; and at the same time Monsieur d'Estree and his Squadron failing to join them, as it had been ordered before, they did not set sail, but for the present were forced to wait the Event of Monsieur Tourville's Attempt upon the English Fleet: The French were almost cock-sure of a Victory, partly from the Dependence they had (as it was given out) on Rear-Admiral Carter, to join with them, and desert the English, and partly from the Advice they had, that the English great Ships could not get out to Sea in a considerable time.

The News of this intended Invasion no sooner reached the Ears of the late Queen (for King William was then Heading the Confederate Army in Flanders) but she sent Orders to all the Ports to hasten out the Fleet, and that all the Militia should be in a Readiness; and at the same time 6 Companies of Regular Troops designed for Flanders, were countermanded, and Rein-

*K. James designs to invade England.*



forcements sent to the Isles of *Farles* and *Guernsey*, to oppose King *James's* Landing. But on the 10th of July the *English* Fleet, under the Command of Admiral *Russel* (now Earl of *Oxford*) engaged the *French* Fleet, under Admiral *Tourville*, who about Eleven of the Clock bore down of the *English*, and when the Engagement began, and continued with great Fury on both Sides till Three in the Afternoon, at what time the *French* recoiled, and a Calm happening till Six, the *English* could not come up to them, but soon after a fresh Gale springing up, the Blue Squadron renewed the Fight, which continued till Ten at Night, at what time the Firings ceased on both sides: the next Morning proved very foggy, so that nothing was done till about Eight of the Clock it cleared up, so that the *French* Fleet were discovered about 2 Leagues distant from the *English*, who made up to them with as quick Sailing as they could, and pursued the flying *French* on their own Coasts, where Vice-Admiral *Delaval*, burnt the *Rising Sun* (the Flower of the *French* King's Fleet), wherein Admiral *Tourville* was Embarked, also the *Admirable*, and the *Conquerant* ran the same Fate. In the mean while Admiral *Russel* continuing in his Pursuit, came before *La Hogue*, into which many *French* Men of War were gotten, then Vice-Admiral *Rook* was sent in with the Boats, and there he set on Flames 6 of their Number, as also the next Morning 7 more were burnt, with divers Transport Ships and Ammunition Vessels: And this was done in the sight of the unhappy *K. James*, at the Head of the afore-said Forces that were to make the designed Descent; and it was no small Mortification to him, to find the Wind of adverse Fortune blow so violently upon him, as appears from his following melancholy Letter to the *French* King upon this Occasion.

K. James's  
Letter to  
the French  
King.

Adonfiour, my Brother,

I Have hitherto with something of Constancy and Resolution, supported the Weight of all the Misfortunes which it has pleased Heaven to lay upon me, so long as my self was the only Sufferer; but I must acknowledge, this last Disaster utterly overwhelms me; and I am altogether Comfortless, in Reference to what concerns your Majesty, through the great Loss that has befallen your Fleets. I know too well, that my unlucky Star it is, that has drawn down this Misfortune upon

upon your Forces, always victorious, but when they  
 fought for my Interests. And this is that which plain-  
 ly tells me, that I no longer merit the Support of so  
 great a Monarch, and who is always sure to vanquish  
 when he fights for himself. For which Reason it is,  
 that I request your Majesty, no longer to concern your  
 self for a Prince so unfortunate as my self, but permit  
 me to retire with my Family to some Corner of the  
 World, where I may cease to obstruct the usual Course  
 of your Prosperities and Conquests, which only my  
 Misfortune could interrupt. It is not just, that the Po-  
 tentest Monarch in the World, and the most flourishing  
 above all others, should share in my Disgrace, because  
 you are too Generous: 'Tis better much, that I shall  
 only retire, till it shall Please Omnipotent Providence  
 to be more propitious to my Affairs. But howsoever  
 it pleases ever-ruling Heaven to dispose of me and  
 mine, or into whatsoever Recess I may be thrown, I  
 can assure your Majesty, That I shall always preserve,  
 to the last Gasps of my expiring Breath, that due Ac-  
 knowledgement which I still retain, of your Favours and  
 constant Friendship. Nor can any thing more contri-  
 bute to my Consolation, than to hear, as I hope to do,  
 when I have wholly quitted your Dominions, of the  
 quick Return of all your wonted Triumphs both by  
 Sea and Land, over your Enemies and mine, when  
 my Interest shall be no longer intermixed with yours.  
 I am.

*Monsieur,*

*my Brother,*

*Yours, &c.*

JAMES Rex.

Here you may see the Uncertainty of Human Affairs,  
 and that Kings as well as inferiour Persons, are subject  
 to the Determination of Providence; but the French  
 King being at that time elevated at his great Success in  
 taking of the Town and Castle of Namur, both which  
 he became Master of in the space of Thirty Days, he  
 writ a Consolatory Answer to the late King James's Let-  
 ter, promising, notwithstanding his unfortunate Disap-  
 pointment in his Intentions upon England, to stand by  
 him and continue his Brotherly Protection to him in the  
 worst of his Extremities.

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— We meet with very little Remarkable concerning this Prince for the Remainder of his Life: however he was not still without Hopes, and some Encouragements to be Restored; and things now looking every where with a favourable Aspect upon the French by Land, he thought it a proper time to issue out this following Declaration to his *quondam* Subjects.

## JAMES R.

Another  
Declara-  
tion of K.  
James.

Whereas we are most sensible that nothing has contributed so much to our Misfortunes, and our Peoples Miseries, as the false and malicious Calumnies of our Enemies; therefore we have always been, and still are, most willing to condescend to such things as, after mature Deliberation, we have thought most proper for removing thereof, and most likely to give the fullest Satisfaction and clearest Prospect of the greatest Security to all Ranks and Degrees of our People, and because we desire rather to be beholdling to our Subjects Love to us, than to any other expedient whatever, for our Restoration, we have thought fit to let them know beforehand, our Royal and sincere Intentions; and that whenever our Peoples united Desires, and our Circumstances give us the Opportunity to come and assert our Right, we will come with the Declaration that follows.

JAMES R.

## JAMES R.

When we reflect upon the Calamities of our Kingdoms, we are not willing to leave any thing unattempted, whereby we may reconcile our Subjects to their Duty; and tho we cannot enter into all the Particulars of Grace and Goodness, which we shall be willing to grant, yet we do hereby assure all our loving Subjects, that they may depend upon every thing that their own Representatives shall offer, to make our Kingdoms happy. For we have set it before our Eyes, as our noblest Aim, to do yet more for their Constitution, than the most Renowned of our Ancestors; And, as our chiefest Interest, to leave no Umbrage for Jealousie, in relation to Religion, Liberty, and Property.

And to encourage all our loving Subjects, of what Degree or Quality soever, to set their Hearts and Hands



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Hands to the encouraging to good a Work, and to unite themselves in this only Means of Establishing the future Peace and Prosperity of these Kingdoms; we have thought fit to Publish and Declare, That on our Part we are ready and willing wholly to lay aside all Thoughts of Animosity or Resentment for what is past, desiring nothing more than that it should be buried in perpetual Oblivion; And do therefore by this our Declaration under our Great Seal, solemnly Promise our Free Pardon and Indemnity to all our loving Subjects, of what Degree or Quality soever, who shall not by Sea or Land oppose us, and those we shall think necessary to accompany our own Person in this just Attempt, to recover our Right; or (in such a Number of Days after our Landing, as we shall hereafter express) shall not resist those, who in any Parts of our Dominions shall according to their Duty, assert and maintain the Justice of our Cause: Beseeching God to incline the Hearts of our People, that all Effusion of Blood may be prevented, and Righteousness and Mercy take Place. And for that end we further Promise to all such as shall come to and assist us, that we will reward them according to their respective Degrees and Merits.

We do further declare, that we will with all speed call together the Representative Body of our Kingdom; and therein will inform our selves what are the united Interests and Inclinations of our People; and with their Concurrence will be ready to redress all their Grievances, and give all those Securities of which they shall stand in need.

We likewise declare upon our Royal Word, That we will Protect and defend the Church of England, as it is now Established by Law; and secure to the Members of it, all the Churches, Universities, Colleges and Schools, together with their Immunities, Rights and Privileges.

We also declare, we will with all Earnestness, recommend to that Parliament such an impartial Liberty of Conscience, as they shall think necessary for the Happiness of these Nations.

We further declare, we will not dispense with, or violate the Test. And, as for the dispensing Power in other Matters, we leave it to be explained and limited by that Parliament.

We

1693

And we do declare also, that we will give our Royal Assent to all such Bills as are necessary to secure the frequent calling and holding of Parliaments; the free Elections and fair Returns of Members; and provide for impartial Trials; and we will ratify and confirm all such Laws, made under the present Usurpation, as shall be tendered to us by that Parliament.

And in that Parliament we will also consent to every thing they shall think necessary, to re-establish the late Act of Settlement in *Ireland*, made in the Reign of our dearest Brother; and will advise with them, how to recompence such of that Nation as have followed us to the last, and who may suffer by the said Re-establishment, according to the Degree of their Sufferings thereby; yet so as that the said Act of Settlement may always remain entire.

And if Chimney Money, or any other Part of the Revenue of the Crown, has been burthensom to our Subjects, we shall be ready to exchange it, for any other Assentment that shall be thought more easie.

Thus we have sincerely declared our Royal Intentions, in terms we think necessary, for settling our Subjects Minds; and according to the Advice and Intimations we have received from great Numbers of our loving Subjects, of all Ranks and Degrees, who have adjusted the manner of our coming to regain our own Right, and to relieve our People from Oppression and Slavery.

After this, we suppose it will not be necessary to enumerate the Tyrannical Violations and Burthens, with which our Kingdoms have been oppressed; and are now like to be destroyed.

And whereas our Enemies endeavour to affright our Subjects, with the Apprehensions of great Sums which must be repaid to *France*; we positively assure them, That our Dearest Brother the most Christian King, expects no other Compensation for what he has done for us, than merely the Glory of having Succoured an injured Prince.

We only add, That we come to vindicate our own Right, and to establish the liberties of our People. And may God give us Success in the Prosecution of the one, as we sincerely intend the Confirmation of the other.

JAMES R.  
Given at St. Germain's en Laye, April 1<sup>st</sup>, 1693.  
S. N. and in the Ninth Year of our Reign.

God save the KING.

The

The *Event* has since discover'd the People had but little Regard to this Declaration, and in the time span our till the latter end of the Year 1694, when his eldest Daughter *Mary*, Queen of *England*, happening to depart this transitory Life, it began to revive the drooping Spirits of the Court of *St. Germain*, and they bethought of concerting new Measures in this Conjunction, as believing they were one good step nearer towards the Restoration of their old Master; but quite contrary to Expectation, the People and Parliament's Affections seem'd now to be wholly fixed upon King *William*; whereas they were before, as I may say, divided between him and his Royal Consort; and for the better securing of his interest, they augmented their Forces considerably by Land, and their Allies having done the same in Proportion, they began now to out-number the Troops of *France* and the Ballance of Power inclin'd the following Campaign to their side, by their taking of *Huy*, but much more the succeeding Year, when they took *Casal* in *Italy*, and the almost impregnable Fortres of *Namur* in the *Netherlands*, from the *French*. However the State of our *Coin* being grown exceedingly bad by this time, and the Nation lying under an absolute Necessity of Remedying of it, or being totally Ruined, the King and Parliament would put it off no longer; and therefore having gone roundly to Work, about the latter End of the Preceding Year, King *James* thought it now the most proper time in the World to attempt his Return.

1693

1695.

I will not enter here into the Particulars of the Plot contrived to Assassinate King *William's* Person; but is sufficient for us to observe, That the *French* King being of the same Opinion with King *James* about this Conjunction, early in the Spring, order'd several of his Troops to file off towards the Sea-Coast of *Dunkirk* and *Calais*, and having got some Men of War, and divers Transport Ships together, in Order to convey and wait them over, King *James* himself on the 11th of February, took Post for *Calais*, and immediately upon his Arrival, the Troops, Artillery, and Stores, were order'd to be put on Board, with the utmost Diligence, while News was impatiently expected from *England* to set sail. I know it was confidently Reported at this time, That before King *James* came to *Calais*, he signed an Account of all the Money he owed the *French* King, by Reason of the Charge he had been

1696.

been



1696.

been at from time to time, for the Support of him, since his Abdication, and promised speedy Repayment. But this looks to be so indiscreet an Action at such a time, that neither of them could be guilty of it; however they appear'd in France so cock-sure of the Success of the Enterprize, that the Duke of Orleans in Consideration of his near Alliance with the Duke of Savoy, and with an assured Prospect of the Overthrow of most of the Confederates, solicited that Prince, in a very pressing Manner, to make his Peace betimes. But the Plot in the mean time having been discover'd in England, and the Dutch and Elector of Bavaria taking also the Alarm in the Netherlands, this Design was so totally defeated, that not a Ship with any of the Forces put to Sea, in order to Land in England; and no doubt but it must be a great Mortification at St. Germain's, that not only the Design miscaried, but so many of their Friends in England suffered for being Privy and Assistant to it.

It's well known, that as this Year produced a separate Peace between France and the Duke of Savoy, that the next brought forth a general one between him and the Confederates. The Place appointed for the Treaty was Ryswick in Holland, a Place belonging to the Prince of Orange, and King of England. I cannot but take Notice how strangely uppish some of King James's Friends were, during the time of the Treaty, as sincerely believing, that tho the Peace was Treated of in King William's own House, yet that certainly he must be excluded out of it. However King James had other Sentiments of the Matter, and finding he could not have a Minister received from him at the Treaty, and that the French Plenipotentiaries would not meddle with his Manifesto, he published the same to the World, importing the Injustice done to him, and Protesting against what was done, as null, in Respect to the Violation of his Rights. But, alas, this was but Powder without Ball, and had no Effects at all for retarding the Conclusion of the Peace, which was signed on the 20th of Sept. between England, France, and Holland, and soon after by the rest of the Confederates.

I do not find there was any Manner of Provision made for the Maintenance of King James and his Family by this Peace; it was reported then, as if my Lord Portland and the Marechal de Boufflers, had concerted that Matter, and agreed the Queen should have her Dow-

paid her by England, in such a Manner as if her Husband was really dead; but that afterwards she would not accept of it. But be this as it will, the English Parliament considering there would be now by the Peace a free Intercourse between England and France, they enacted, there should be no Correspondence held with King James nor his Adherents, upon any Account whatsoever. And I cannot see that either of the Treaties of Partition made this Year, and the succeeding one, any Ways tended to the Reinthroning of this Prince, but quite the contrary, for the Preservation of the Peace of Europe, and better Union and Understanding between King William and Lewis the XIV, tho the latter has since made quite another use of them, upon the Death of Charles III King of Spain, by placing his Grandson the Duke of Anjou upon that Throne; which gave some Revivings to the drooping Spirits of the Court of St. Germain: I am apt to believe, King James himself had now little or no Thoughts left about his Restoration: However those about him began to lay their Schemes and bestir themselves, and more particularly my Lord Melfort, who writ the following Letter to the Earl of Perth his Brother upon that Occasion.

### The Earl of Melfort's Letter to the Earl of Perth

1701.

My Dearest Brother,

Since I promised to put in writing what we had not time to talk fully of, I am sat down to it in the Morning, that my Letter may be ready for the Messenger, if any call. I told all that I had heard at Versailles, and the favourable Audience I had of Madam de Maintenon, for which I beg it of you to return my most humble Thanks to the Queen, and beg her to be so good as to thank Madam Maintenon, and know of her what was done in that Matter: It will be a great Charity in the Queen. I told you, among other things, the great Fleet the King intends to put out this Summer, the Order being given, and the Money ready, the Stores full, and every one concerned active in their Stations. There is no doubt but this Fleet will be Master of the Sea for some time, if not for all the Summer, but the Date not fix till the English

Earl of  
Melfort's  
Letter.

1701

' *gliss* be ready, and they have long Debates yet, before  
 ' they can be in a Condition to act, if they have the  
 ' Will: and it is a Question if they will have it at all.  
 ' The King never had so favourable a Conjunction, if  
 ' he can persuade this King, that his Affairs are really  
 ' in the Circumstances they are in: but there is the  
 ' Difficulty. The King and Queen have more Antho-  
 ' rity with the King, and with *Madam de Maintenon*,  
 ' than any other in the World can have. But that is  
 ' not all, there should be some one acceptable to the  
 ' Ministers, should lay before them those Proofs their  
 ' Majesties cannot enter into the Detail of, and explain  
 ' the Reasons, make Plans and Memoirs by their Ma-  
 ' jesties Approbation, to convince them of the Necessi-  
 ' ty, and to shew the Easiness of Restoring the King,  
 ' the Glory it brings their Kingdom, and the Advantage  
 ' to Religion. How this will be done, their Maje-  
 ' sties are wise enough to consider, and, I think, it is  
 ' not a Subject for me to enter upon: but their Friends  
 ' in general, who know not the Half of what I know  
 ' in this Matter, think that it will not be well done by  
 ' a Protestant Minister, lazy in his Temper, Enemy to  
 ' *France* by his Inclination, tainted with Commonwealth  
 ' Principles, and against the King's Returning by any  
 ' other Power than that of the People of *England*, upon  
 ' Capitulation and Terms, who is suspected of giving  
 ' Aim to the Compounders, if not worse: That Mr.  
 ' *Carrell* is qualified no Man doubts, but in Society with  
 ' the other; those who must be instrumental will not  
 ' trust him as he ought. So that so long as the other is  
 ' within Distance of penetrating the Affairs, they will  
 ' never think themselves secure: And yet the King has  
 ' no such Game to play as by these very Persons, who  
 ' are thus diffident, namely, the true Church of *England*  
 ' Party, the *Catholicks*, and the Earl of *Arran*; and I  
 ' shall say something as to every one of them: The King  
 ' cannot but be sensible, that the true Church of *En-  
 ' gland* Party, and their Principal Head, now the Bishop  
 ' of *Norwich*, has been silent for a long time, and their  
 ' Majesties may remember what Weight the Court of  
 ' *France* laid upon their joining the King (I mean  
 ' the Non-swearing Clergy) in Case of a Landing.  
 ' Therefore all Arts should be tried without Delay, to get  
 ' them to enter into Correspondence again, and every  
 ' Impediment ought to be removed. I say, without Ex-  
 ' ception;



ception, and sometimes it is of hard Digestion for Sovereigns, who ought to be obeyed without Reserve, to yield to the Humours of Subjects, yet Prudence should teach them, when they cannot, without hurting their Affairs, do what they would, to do what they can, and remember the Fable of the Dog, who lost the Substance by the Shadow. Assurances from the Non-Swearers, the fondest and most venerable Part of the English Church, would be of great use at this time, to persuade France to undertake this great Affair; for, besides their own Example at a Landing, and their Preaching and Writing to the People, that *their Religion was in no Danger*, it is most certain they know better than any others can do, what the Church of England in general, would do for the King's Service; and they being to run all the Hazard, would be better believed at the Court of France, than any other, as I found by Experience. As to the Catholicks, and others Associates with them, unfortunately for the King, they were thought to have too much Inclination for me, and to have been reckoned as useless to the King; but I must beg Leave to say, *That Undertaking was the best Feather in his Wing*, and was most justly thought so by him, and by the Court of France too, even to that Degree, that they pretended, if this and the other Article concerning the Clergy could be made appear, they would concur with the King to Invade England. They consisted of Seven Regiments of Horse and Dragoons, their Arms, Trumpets, Kettle-Drums, Standards, &c. were all ready, and are yet in Surety, their Men were all Listed, and their Officers chosen, and they had twenty Horses to a Troop, which Troops lying at a Distance in a Horse Country, twenty Horses would soon have mounted the rest. Those who could not divine the Greatness and the Use of the Undertaking, blamed the Rashness of it, and even some Church-men have not been disapproven for endeavouring undutifully (because contrary to the King's written Orders) to break the Design: But, I desire you now, for all this, to believe, that you have not such another Argument to use to the Court of France as this; and if you could make it appear, as it might have been done some Years ago, I should have very good Hopes of this Summer's Work. Nay, let the King have what other Hopes, or even Promises you



please from the Court of France, this is to be put  
 the Circumstances it was in, for, if ever there be  
 Landing in England to purpose, it must be before the  
 can be Armed, and they cannot be Armed before the  
 Parliament come to a Resolution concerning the War  
 and considering the few Troops in England, supposing  
 these Men to be no better than Militia, what a Disast-  
 tion would it be, it is not necessary for me to say any  
 more of this Article, till I know whether their Maj-  
 ties have as good an Opinion of this Undertaking  
 I have; if so, I shall shew what I think to be done  
 it; if otherwise, I shall save the Pains. As to the  
 Earl of Arran, it would be of great use to have an  
 Understanding with him. He will save none where  
 ----- can pry; his all is at Stake, and he ought to be  
 wary with whom he ventures to deal. I think it bet-  
 ter for the King's Service, that the Court Party pre-  
 vailed in the Manner they have done in the Parliament  
 in Scotland, than that the Country Party should have  
 got their Will. Opposition swells the Waters in a  
 Flood, and so long as the Country Party is not discour-  
 aged, they gain more Ground in the Kingdom than  
 they lose in the Government. So that the Disaffection  
 to the Government will increase, and one may judge  
 of the Nation in general, which is of another Tem-  
 per than this pretended Parliament, or rather Presby-  
 terian Rabble, ill representing the Nation. For since  
 even in it there is such a Struggle against the Govern-  
 ment, what would there be in a Free Parliament  
 which the P. of O. durst never to call. The Nation  
 then, at least a great Part of it, being disaffected to  
 this Government, it is of the last Consequence that  
 the Earl of Arran may know what to do in Case of  
 an Invasion of England, or in Case he and his Friends  
 be obliged for Self-Preservation, to rise in their own  
 Defence. The Army, who are, and ever were well  
 Affected, are to be gained by Money, and a little good  
 a great Way with them. The Disbanded Troops  
 would be engaged, and the Officers are well inclin'd  
 The Places of Strength would be secured, and such  
 can be put in Defence (without Expences) For since  
 To do all this, at least such a Part of 'em as can be  
 begun with, a small Sum will serve, and he ought  
 to have Hopes of it, and of the Command. Being  
 being only Heads to be discours'd of, and much to be

said of every Part, it is not to be thought, that this Letter can carry a final Conclusion; for it may be upon Discourse, I might change my Mind, or be more confirmed in it, and see further. This makes me insist again to you, upon two Things, appearing to me absolutely necessary to put Things upon a right Foot. The first is, the removing of all Impediments out of the Way, and sending all suspected Persons to *Champaigne* or *Burgundy*, according to their Oust. And the second is of the last Use, both to their Majesties and the Prince, which is, the Establishing of such a Number, under no Qualification, to talk of their Affairs in their Majesties Presence, with whom we can freely converse, and propose what may be for their Majesties Service. As for the first, it will be for the King's Reputation, both at the Courts of *Rome*, *France*, and with all his true Friends in *England*, for many Reasons ----- As for the second, it is according to Scripture, *In the Multitude of Counsellors there is Safety*. Nothing is so dangerous as to determine what one will do, and then hear Reasons against it, and imitate the deaf Adder, who *hearkens not to the Voice of the Charmer, let him charm never so sweetly*. Reasons against a Resolution taken, offend, and the more Force they have, they offend the more; whilst, before the Resolution be taken, Reason has its Effect, and the Determinations are not the Effects of Humour and Faction, but of Prudence and Justice. If in any thing I fail, I'll swear its Want of Understanding, and not of Will. And I beg that their Majesties may be persuaded, that it is not Humour or Vanity, but their Service I have in my View, who am,

*My Dearest Brother,  
most humbly Yours.*

This Letter was communicated by King *William* to his Parliament; but I do not find they took much Notice of it, neither indeed did the Consequence of it signify any thing to his Prejudice, or the Advantage of King *James*, who now is hastening apace towards the last scene of his Life; a more particular Relation of which can meet with no where, than in a Letter said to be sent from an *English Gentleman* in *France*, to his Friend in *London*, reporting, That



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K. James's  
Sickness  
and  
Death.

On *Fryday* the second of *September*, the King being at Chappel on his Knees, fainted away; which some of his Servants perceiving, supported him, from falling, put him into his Chair, and carried him to his Lodgings; where, after an Hours time, he came pretty well to himself again, eat heartily, continued so, sleeping and dozing, till *Sunday* (by Intervals speaking to those about him) when, about half an Hour past Two in the Afternoon, on a suddain he was taken so ill, that he could not speak, by Reason of an Imposthumation breaking within him, and Nature endeavouring to discharge it, he was almost suffocated. This occasioned the Report, that he was dead, which presently flew to *Paris*, and consequently all over *Europe*: But by Bleeding, and other proper Remedies, a considerable Quantity of that corrupt Matter pass'd both Ways, *Sunday*, *Monday*, and *Tuesday*, but none on *Wednesday*, or *Thursday*. He slept well that Night; on *Fryday* was better, only he had an Intermitting Fever, which left him that Night: He continued so till about Eleven a Clock *Sunday* Night, when the Physicians observ'd a Lethargy in him; and fearing he might die in that Condition, they applied the Blistering Plaster betwixt his Shoulders with good Effect: Yet a Disposition to Doze and Sleep continuing in him, they apply'd those Plasters to his Ancles, afterwards to his Head, but without Success. In this Condition he continued till *Monday* Night, when every Body thought he was departing; but the Physicians giving him somewhat inwardly, he presently began to discharge both Ways, then rested till near the next Morning: Awaking, he spoke to the Curate of the Parish (who watch'd by him) to give him the Sacrament: which he accordingly did: At what time he forgave several Persons by Name, all his Enemies, and every one that had wronged him, prayed for *Saunders*, and all the rest about him, to declare to the World; call'd for all his Servants and exhorted them to be constant in their Religion, and that no Flood of Crowns or Scepters should make them do a thing unworthy their Birth, and above all, to be obedient to the Queen, gave them his Blessing, desired that all his Servants might continue on the same Foot they were, and that all his Subjects would acknowledge his Son for their Lawful King and Sovereign. So that at that time, the Physicians resolv'd to Apply no further

1701.

her Remedies, but leave him to the Will of Almighty

The King of *France* came to see him, but he was speechless. Whereupon he went to comfort the Queen, and sent for the pretended Prince of *Wales*, and told them, Maugre all the Difficulties he had met within his great Council, yet having the unanimous Consent of the Dauphin, and all the rest of the Princes of the Blood, he resolved to acknowledge and declare him his Majesty's lawful Heir and Successor to the Imperial Crown of *England*, &c. And that he should be so acknowledg'd by *France*, *Spain*, and *Portugal*; and he would by his Ambassadors proclaim him as such, in all the Courts of *Europe*. After some time, the King came to himself again and being told of this Declaration, sent for the pretended Prince next Day, told him he had not seen him since the King of *France* had been there, charged him, during his Minority, exactly to observe the King of *France*'s Counsel and Direction in all things; and said, he had sent my Lord *Middleton* to *Marly*, to give the King of *France* Thanks for the same.

The King of *France* hearing the King was somewhat better, came to *St. Germain* to see him, and when he was entered the Lodgings, said, he was not only come to see the King, but also on an Affair of great Weight. Whereupon all Persons were withdrawing; but he called them all again, caused all the Doors to be opened, that every Body might enter that belonged to the King; and then commanded, That as soon as the King should be dead, the pretended Prince of *Wales* should be proclaimed King of *Great Britain*, with all his Ordinary Titles; declaring that he would also cause the same to be done at *Versailles*, and (by his Ambassadors) in all the Courts of *Europe*. That his Body should be removed from the Queen's Apartment to his own; and gave Order to the Captain of the Guards to attend his Corps accordingly. And told all that belonged to the King, they should continue on the same Foot they were at present, till he could do more for them. While the King of *France* was making this Speech, the whole Court was in Tears; but when he had done, they clapped their hands for Joy, which caused that Great Monarch to weep.

They

The

1791.

The King desir'd to be buried privately at St. Germain, dying there in Exile; but the King of France told him, That was the only thing in the World he could not grant him; for he would lay him, where he would have the Honour to lie by him himself. And on Fryday the 17th Instant N. S. about 2 in the Afternoon, the King died, in the 60th Year of his Age, the Day he always fasted, in Memory of our Blessed Saviour's Passion; the Day he ever desired to die on, and the ninth Hour, according to the Jewish Account, when our Saviour was Crucified. His Death was edifying to Men, and no doubt precious to God. As soon as he was departed, the great Master of the Ceremonies of France (by the King's Order) Proclaim'd the pretended Prince of Wales King of Great Britain, and all the Dominions thereunto belonging, with the usual Ceremony. The Queen was appointed Regent; My Lord Middleton gave up the Great Seal. All the Lords took the Oath of Fidelity; the Servants kissed his Hand, and every thing stood as it did in King James's Days.

They farther added two remarkable Passages: The one was; That when the King first fainted in the Chappel when he first fell ill, 'twas on Good Fryday, on Singing the Anthem, the two first Verses of the last Chapter of the Lamentations, Remember, O Lord, what is come unto us: Consider and behold our Reproach. Our Inheritance is turned to Strangers, our Houses to Aliens. Which was touching, and made such an Impression upon him, that he never perfectly recovered it, although he went to the Waters of Bourbon. The other was, the King of France upon his Sickness, called his Great Council, which consisting of 23 Persons: All but Seven were against Proclaiming the Son so soon. The Dauphin being the last that was to speak, rose up in some Heat and said, It would be a great Piece of Cowardice, and unworthy the Crown of France, to abandon a Prince of their own Blood, especially one that was so dear to them as the Son of King James: That for his Part, he was resolv'd, not only to hazard his Life, but all that was dear to him for his Restoration. The King of France said, I am of Monsieur's Opinion. And so said all the Princes of the Blood.

As for the Subsistence this Prince had during the time of his long Exile, what came from Private Hands we cannot possibly learn, but the French King's Allow-



1701.

ance for the Support of him and his Family amounted to 40000 £ Sterling and no more; and for his Guard, fifteen of the French Household Guards always attended him.

As to the Person of this King, he was pretty tall, fair Complexioned, and of a longish Village, especially as to his Chin: We cannot allow him to be altogether endowed with such great Parts as his Brother King Charles II. but he was certainly much more industrious and Intent upon Business, and far excelled him in that admirable Vertue of Temperance; neither was he observed to be guilty of prophane Swearing; he was of a familiar Nature enough, and extremely Courteous with the Civilities of his Hat, but somewhat too Cholerick upon Provocations: And as it sounds harsh to say he was Vindictive, yet it must be owned at least, that he was Unfortunate in the Choice of some of his Ministers, the *Odium* of whose Cruelties, they found at last the Artifice to throw upon himself. He has an extream Lover of Soldiery and Military Exercises, but proved the most unfortunate Man in the World in it. The Antients reckoned Fortitude of the Number of Moral Vertues; and it would not look well to say of any Prince (to whom Valour is an essential Qualification) that he wanted Courage, much less of King James, who so often, both by Sea and Land exposed himself to Dangers: However, his very Friends charged him with the want of his Duty in the Battle of the *Boyne*, where he made not that Defence as became him, but too easily gave way to the prevailing Arms of his great Adversary: But tho' he was temperate beyond his Brother, yet he wanted the Chastity of his Father: However he shared to a large Degree, his Uxoriousness towards his Wife; and he must be owned to be a more indulgent Father than the unhappy Circumstances of things and more especially the Diversity of Religion, would possibly allow his Children to be dutiful: And let me add one thing more, as not the least of Princely Vertues, that he was a careful Manager of his Treasury, and an excellent Husband of his Revenues.

K. James  
Chara-  
cter.

K. James  
Children,

He had by his first Wife, *Anne Hyde*, Daughter to the Earl of *Clarendon*, I. *Charles*, entitled Duke of *Cambridge*, born in 1660, and did not long survive. II. *Mary* Princess of *Orange*, and after Queen of *England*, born April 30. 1662. who died December 28. 1694. III.

1701. *James* born July 12. 1663. and lived not long after. IV. *Anne*, born February 6. 1664. and is now Queen of England. V. Another Son born July 4. 1666. VI. Two at a Birth (as I take it) born in 1667 and had the Titles of Earls of *Cambridge* and *Kendal* given them; the last died about the 26th of *May* the same Year, and the other on the 20th of *June* following. VII. A Daughter born on the 13th of *January*, 1668. and named *Henrieta*, she died at *St. James's* on the 15th of *November* 1669. Another Son named *Edgar*, who died on the 8th of *June* 1671. IX. A Daughter named *Catharine* who died the 6th of *December*, the same Year. *Anne* Dutchess of *York*, dying on the 31st of *March*, 1671: and his Royal Highness Marrying a second Wife, viz. *Mary d'Este*, Sister to the Duke of *Modena*; he had by her I. a Son named *James*. II. A Daughter named *Catharina Laura*, born *January* 10th 1676. III. *Elizabeth*, who died in *March* 1681. IV. *James* the pretended Prince of *Wales*, said to be born *June* 10th 1688. V. And a supposed Daughter born in *France* in 1692. who was baptized by the Name of *Maria Louisa*. His natural Children are, 1 by the Countess of *Dorchester*, one Daughter only, sometime Wife to the Earl of *Anglesey*, from whom he was in 1701 Divorced in Parliament. 2 By *Madam Churchill* I. *James Fitz James* Duke of *Berwick*, II. *Henry Fitz James*, entituled Grand Prior, who dyed towards the End of the last Year, being commonly known in *France* by the Title of Duke of *Albemarle*. III. The Lady *Wallergrave*. IV. Another Daughter now a Nun in a *French* Convent.

James born July 12. 1663. and lived not long after IV.  
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THE  
SUPPLEMENT.

HAVING already, in the Preface, given the Reason of adding this Supplement, which arises chiefly from a Consideration of our unwillingness to give any Offence to the Buyers of the first Edition; there is no occasion to say any more concerning it in this place, and so we shall proceed to it.

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A  
LETTER  
FROM

James Duke of York,

For the EARL of  
PETERBOROUGH.

*My Lord of Peterborough.*

THE Wind coming contrary, you will have prevented that Perplexity, which otherwise I Judge you would have been in, by the mistake of Secretary Maurice his Letter: The King's direction to him was, to send to you to Sail to *Tangier*, when you had a thousand Men, which he by mistake wrote *Lisbon*; the King hath order'd Secretary *Nicholas* to write to you, and to certify that mistake, to which I refer you. Order was given on *Saturday* last, to quicken down the rest of the Merchant Ships, which I suppose is done, if the Wind continue contrary, there will be an inevitable necessity for you to send some of your Provisions to Victual them for their return; which I desire you to do, and oblige my self to take care for the restoring it to you again.

1661.

*I am your affectionate Friend,*

*Whitehal Decr*

9. 1661.

James.

*Another from the Duke, to the Earl.*

*My Lord of Peterborough.*

I Have omitted to write to you all this while, in answer to several of your Letters, expecting still the dispatch of this dearer Major *Fines*, who hath staid here soliciting some

A a 2

Concerns

1661.

Concerns of his Regiment, which he hath now dispatch'd. And as to what you desire to know, concerning such Officers in the respective Regiments, as shall become vacant; the King hath commanded me to tell you, That when that shall happen, you shall fill them up out of such of the same Regiment, as by Right and Merit may pretend to be advanced; which I hope will be a great Incouragement to the whole Troops under your Command, when they see no fear of others to come over their Heads. And because some of the Regiments are not compleat of Soldiers, according to the Establishment; the King would have you to keep all such Monies of the vacant Places of the common Soldiers, in your Hands, to be laid out in Recruiting or other Uses, for every respective Regiment; and from Time to Time to give an Account of it here, that you may receive farther Directions. This is all I have to say to you at present, but to wish you a good Voyage, and to assure you that you shall ever find me to be,

*Your very affectionate Friend,*

*Whitehall Dec. 20.*

1661.

*James.*

James Duke of York and Albany, Earl of Ulster, Lord High Admiral of England, Ireland and Wales, with the Dominions and Isles of the same, of the Town of Calais, and the Marshes thereof; of Normandy, Gascoign and Aquitaine; and Captain General of the Navies and Seas of his Majesties Dominions, and also Lord high Admiral of his Majesty's Town of Dunkirk, and of his Dominions of New England, Jamaica, Virginia, Barbadoes, St. Christophers, Bermudos and Antego in America; and of Guinea, Binny, Angola in Africa, and of Tangier in the Kingdom of Fez; and also of all and singular his Majesties other Dominions whatsoever in Parts transmarine; Constable of Dover-Castle, Lord Warden of the Cinque-Ports, and Governor of Portsmouth, &c.

To Henry Earl of Peterborough,

BY virtue of the Power and Authority unto me granted by the King my Sovereign Lord and Brother, by his Majesties Letters Patents, under the Great Seal of England,

and, bearing date the 27th of February, in the fourteenth Year of his Majesty's Reign; I do hereby Empower and Authorize you, the said *Henry Earl of Peterborough* (whom I have Nominated, Constituted and Appointed, to be my Vice-Admiral of the City and Port of *Tangier* in *Africa*, and of the maritime Places thereunto adjacent and appertaining) to appoint a Judge Advocate, Register, Proctor and Marshal of the High Court of Admiralty of *Tangier* aforesaid; for the due and orderly Management of all Proceedings in the Vice-Admiralty of the said City, Part and Places, adjacent and belonging to *Tangier* aforesaid; during the Vacancies of the said Places, and until I shall think fit to give farther Order therein; and for so doing this shall be your Warrant. Given under my Hand and Seal at *Hampton-Court*, August 10. 1662.

James.

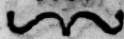
By Command of his Highness  
W. Covenny.

S I R,

I Have not presumed in any Manner to approach your Royal Prefence, since I have been marked with the brand of Banishment, and I would still with the same Awe forbear this Presumption, if I did not believe my self bound by all the Obligations of Duty to make this Address to you. I have been too much acquainted with the Presumption and Impudence of the Times, in raising false and scandalous Reproaches upon Innocent and Worthy Persons of all Qualities and Degrees, to give credit to those bold Whispers, which have been too long scatter'd abroad, concerning your Wives being shaken in her Religion: But when those Whispers break out into Noise, and publick Persons begin to report that the Dutchess is become a Roman Catholick. When I heard that many Persons of unquestionable Devotion to your Royal Highness, are not without some Fear and Apprehension of it; and many Reflections are made from thence to the prejudice of your Royal Person, and even of the King's Majesty. I hope it may not misbecome me, at what distance soever, to cast my self at your Feet, and beseech you to look to this Matter in time, and to apply some Antidote to expel the Poison of it. It is not possible your Royal Highness can be without Zeal and intire Devotion for that Church, for the Purity and Preservation whereof, your Blessed Father made himself a Sacrifice; and to the Restoration whereof, you have contributed your self so much, and which highly deserves the King's Protection and yours, since there can be no possible Defection in the

Lord Chanc.  
Clarendon's  
Letter to the  
Duke of York  
about the  
Dutchess.  
1668.



1668.  Hearts of the People, whilst due Reverence is made to the Church. Your Wife is so generally believed to have so perfect Duty and entire Resignation to the Will of your Highness, that any defection in her from her Religion, will be imputed to want of Circumspection in you, and not using your Authority, or to your Connivance. I need not tell the ill Consequence that such a Mutation would be attended with, in reference to your Royal Highness, and even to the King himself; whose greatest Security (under God) is in the Affection and Duty of his Protestant Subjects. Your Royal Highness well knows how far I have always been from wishing that the Roman Catholicks should be Prosecuted with Severity. But I less wish it should ever be in their Power to be able to Prosecute those who differ from them, since we well know how little Moderation they would or could use.

And if this which People so much talk of (I hope without ground) should fall out, it might very probably raise a greater Storm against the Roman Catholicks in general, than modest Men can wish; since after such a Breach, any jealousies of their Presumption would seem reasonable. I have written to the Dutchess with the Freedom and Affection of a troubled and perplexed Father. I do most humbly beseech your Royal Highness, by your Authority to rescue her from bringing a Mischief upon you and her self, that never can be repaired; and to think it worthy your Wisdom, to remove and dispel those Reproaches (how false soever) by better Evidence than Contempt, and hope that you do believe that no Severity I have or can undergo, shall in any degree lessen or diminish my most profound Duty to his Majesty or your Royal Highness, but that I do with all imaginable Obedience, submit to your good Pleasure in all Things.

God preserve your Royal Highness, and  
keep me in your Favour. SIR,

Your Royal Highness's most humble  
and Obedient Servant,

Clarendon.

Earl of Clarendon's  
Letter to the  
Dutchess of  
York concerning her  
turning Papist.

**Y**OU have much reason to believe that I have no mind to Trouble you and Displease you, especially in an Argument that is so Unpleasant and Grievous to myself; but as no distance of Place that is between us, in Respect of our Residence, or the greater distance in respect

to the high Condition you are in, can make me less your Father, or absolve me from preserving those Obligations which that Relation requires of me; so when I receive any credible Advertisement of what reflects upon you, in point of Honour, Conscience, or Discretion; I ought not to omit the acquainting you of it, or administering such Advice to you, as to my Understanding seems reasonable, and which, I must still hope, must have some credit with you. I will confess to you, that what you wrote to me many Months since, upon those Reproaches which I told you were generally reported concerning your defection in Religion, gave me so much satisfaction, that I believed them to proceed from that ill Spirit of the time, that delighteth in Slanders and Calumny; but I must tell you, the same Report increases, of late, very much; and I my self saw a Letter the last Week from *Paris*, from a Person who said the *English* Ambassador, assured him the Day before, that the Dutchesse was become a Roman Catholick, and which makes a greater Impression upon me, I am assured that many good Men in *England*, who have great Affection for you and me, and who have thought nothing more impossible, than that there should be such a Change in you, are, at present, under much Affliction, with the Observation of a great Change in your course of Life, and that constant exercise of that Devotion, which was so notorious; and do apprehend from your frequent Discourses, that you have not the same Reverence or Veneration which you used to have for the Church of *England*; the Church wherein you were baptiz'd, and the Church, the best constituted, and the most free from Errors of any Christian Church this Day in the World: And should some Persons, by their Insinuations, have prevail'd with you to have a better Opinion of that which is most opposite to it, the Church of *Rome*, than the Integrity thereof deserves; It is not yet in my power to believe, that your Wit and Understanding (with God's Blessing upon both) can suffer you to be shaken farther than with Melancholy Reflections upon the Iniquity and Wickedness of the Age we live in, which discredits all Religion; and which, with equal License, breaks into the Professors of all, and prevails upon the Members of all Churches, and whose Manners will have no benefit from the Faith of any Church.

I presume, you do not intangle your self in the particular Controversies between the Romanists and us, or think your self a competent Judge of all Difficulties which occur therein; and therefore it must be some fallacious Argument of Antiquity and Universality, confidently urged by Men who know less than many of those you are acquainted with, and ought less to be believed by you, that can raise any Doubts or Scruples in you; and if you will, with

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equal temper, hear those who are well able to inform you in all such particulars, it is not possible for you to suck in that poison which can only corrupt and prevail over you, by stopping your own Ears, and shutting your own Eyes: There are but two Persons in the World who have greater Authority with you than I can pretend to, and I am sure, they both suffer more in this Rumour, and would suffer much more if there were ground for it, than I can do; and truly I am as unlikely to be deceived my self, or to deceive you, as any Man who endeavours to pervert you in your Religion; and therefore, I beseech you, let me have so much credit with you, as to perswade you to communicate any Doubts or Scruples which occur to you, before you suffer them to make too deep impression upon you: The common Argument, that there is no Salvation out of the Church, and that the Church of *Rome* is that only true Church, is both irrational and untrue; there are many Churches in which Salvation may be attained, as well as in any of them, and were many, even in the Apostles time; otherwise they would not have directed their Epistles to so many several Churches, in which there were different Opinions received, and very different Doctrines taught: There is indeed but one Faith, in which we can be saved, the stedfast Belief of the Birth, Passion, and Resurrection of our Saviour, and every Church that receives and embraces that Faith, is in a state of Salvation. If the Apostles preach true Doctrine, the reception and retention of many Errors, does not destroy the Essence of a Church; if it did, the Church of *Rome* would be in as ill, if not a worse Condition than most other Christian Churches, because its Errors are of a greater magnitude, and more destructive to Religion. Let not the canting Discourse of the Universality and Extent of that Church, which has as little of Truth as the rest, prevail over you: They who will imitate the greatest part of the World, must then be Heathens, for, 'tis generally believed, that above half the World is possessed by them, and that the Mahometans possess more than half the Remainder: There is as little question, that of the rest which is inhabited by Christians, one part of four is not of the Communion of the Church of *Rome*; and God knows, that in that very Communion, there is as great Discord in Opinion, and in matters of as great moment, as is between the other Christians.

I hear you do, in publick Discourse, dislike some things in the Church of *England*, as the Marriage of the Clergy, which is a Point that no Roman Catholick will pretend to be of the Essence of Religion, and in Use in many places, which are of the Constitution of the Church of *Rome*, as in *Bohemia*; and in those Parts of the *Greek Church*, which sub-

*mitted*



mit to the *Roman*; and all Men know, that in the late Council of *Trent*, the Sacraments of both kinds, and Liberty of the Clergy to Marry, was very passionately pressed, both by the Emperor and the King of *France*, for their Dominions; and it was after granted to *Germany*, tho' under such Conditions as made it ineffectual; which, however shews that it was not, nor ever can be looked upon as Matter of Religion: Christianity was many hundred Years Old, before such a Restraint was ever heard of in the Church; and when it was endeavoured, it met with great opposition, and was never submitted to. And as the positive Inhibition seems absolutely unlawful, so the Inconveniences which result from thence, will, upon a just disquisition, be found superior to those which attend the Liberty which Christian Religion permits. Those Arguments which are not strong enough to draw Persons from the Roman Communion, into that of the Church of *England*, when Custom and Education, and a long stupid Resignation of all their Faculties to their Teachers, usually shut out all Reason to the contrary, may yet be abundant to retain those who have been baptiz'd, and bred, and instructed in the Grounds and Principles of that Religion, which are, in truth, not only founded upon the clear Authority of the Scriptures, but upon the Consent of Antiquity, and the practise of the Primitive Church; and Men who look into Antiquity, know well by what Corruption and Violence, and with what constant and continual opposition those Opinions, which are contrary to ours, crept into the World; and how unwarrantably the Authority of the Bishop of *Rome*, which alone supports all the rest, came to prevail, who hath no more pretence of Authority and Power in *England*, than the Bishops of *Paris*, or *Toledo* can as reasonably lay claim to; and is so far from being matter of Catholick Religion, that the Pope hath so much, and no more to do in *France* or *Spain*, or any other Catholick Dominion, than the Power, and Laws, and Constitutions give him leave, which makes him so little, if at all, considered in *France*, and so much in *Spain*: And therefore the English Catholicks which attribute so much to him, make themselves very unwarrantably of another Religion than the Catholick Church professeth; and, without doubt, they who desert the Church of *England*, of which they are Members, and become thereby disobedient to the Ecclesiastical and Civil Laws of their Countries, and therein renounce their subjection to the State, as well as to the Church, (which are grievous sins) had need have a better Excuse, than the meeting with some Doubts which they could not answer; and less, than a manifest Evidence that their Salvation is desperate in that Communion, cannot serve their turn. And they who imagine,

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gine they have such an Evidence, ought rather to suspect, that their Understanding hath forsaken them, and that they are become Mad, than that the Church, which is replenished with all Learning and Piety requisite, can betray them to Perdition. I beseech you to consider, (which I hope will over-rule those ordinary Doubts and Objections which may be infused into you) that if you change your Religion, you renounce all Obedience and Affection to your Father, who loves you so tenderly; that such an odious mutation would break his Heart. You condemn your Father and your Mother, (whose incomparable Vertue, Piety, and Devotion hath placed her in Heaven) for having impiously Educated you; and you declare the Church and State, to both which you owe Reverence and Subjection, to be, in your Judgment, Anti-christian. You bring irreparable Dishonour, Scandal and Prejudice, to the Duke your Husband, to whom you ought to pay all imaginable Duty, and whom I presume, is much more precious to you than your own Life; and all possible ruin to your Children, of whose Company and Conversation you must expect to be deprived; For, God forbid, that after such an Apostacy, you should have any power in the Education of your Children. You have many Enemies, whom you herein would abundantly gratify; and some Friends, whom you will thereby (at least as far as in you lies) perfectly destroy and afflict many others who have deserved well of you.

I know you are not inclined to any part of this Mischief, and therefore offer those Considerations, as all those particulars would be the infallible Consequence of such a Conclusion. It is to me the saddest Circumstance of my Banishment, that I may not be admitted in such a Season as this, to confer with you; when I am confident I could satisfy you in all your Doubts, and make it appear to you, that there are many Absurdities in the Roman Religion, inconsistent with your Judgment and Understanding, and many Impieties inconsistent with your Conscience; so that before you can submit to the Obligations of Faith, you must divest your self of your natural Reason and common Sense, and captivate the Dictates of your own Conscience to the Impositions of an Authority, which hath not any pretence to oblige or advise you. If you will not, with freedom, communicate the Doubts which occur to you, to those near you, of whose Learning and Piety you have had much Experience; let me conjure you to impart them to me, and to expect my Answer before you suffer them to prevail over you.

*God Bless you and yours.*

About

About the Year 1670, it fell out that *Ann*, Dutcheſs of *York*, departed this Life; and by thoſe that were Friends to the Duke and the Government, it was thought fit, that another ſhould be ſought to ſupply by her fruitfulneſs, the want of Iſſue Male, which Providence, to that time, had denied to the Felicity of the Royal Houſe. All concurred in the Profeſſion, that this was neceſſary, but not every one in their Endeavours to accompliſh it: The Acceſſion of Sons like to live, would have made the Duke more conſiderable, than his Enemies wiſhed that he ſhould be; and Objections were not wanting from many of them that were in place to ſpeak, and in right to be heard in Occaſions and Councils of that nature, againſt any that ſeemed proper to his Friends for his Alliance: Some of them, it was ſaid, wanted Fortune; others were not of Quality enough; and there were thoſe who were not bred in the Religion of the Country, which, in certain Men, was not eaſie to digeſt. At laſt, the good King, (who, it were to have been wiſhed, had in more good things followed his own good Nature, and Judgment) accepted of the Proposition made from *Spain*, by Sir *Mark Ogniate*, at that time Agent in *England*, who came out of *Flanders*, of a Marriage and Treaty to that purpoſe, with the young Arch-Dutcheſs of *Inſpruck*, which was believed would have answer'd all the Objections of Honour, Fortune, and Fruitfulneſs, more than any Princeſs that had been propoſed: This could not apparently be reſuſed by the Miniſters, who found the King did himſelf deſire his Brother's Marriage; and that the Duke was reſolved to have a Wife at any rate: Therefore the Expedient for its hindrance was, to propoſe a Creature of their own, one that followed the Court, and the favour of it, by Birth a Stranger, not concerned what became of the Succeſſion of *England*, to be ſent over in Quality of a Negotiator of this Buſineſs: This Man was engaged in this Affair, whom they did manage as they pleaſed; they made him advance it one Day and retard it in another; and at laſt he did contribute by his Skill, to ſo long Delays, that it became apparent, by divers Signs of the Empreſs's ill Health, that ſhe was not long like to live.

1670

Proceedings  
about the  
Duke, of  
the ſecond  
Marriage.

From that time, the Emperor, who thought it juſt he ſhould provide for his own Happineſs in the firſt Place, began to caſt his Thoughts upon this Princeſs, and his Council, for his ſatisfaction, as well as for the Intereſt of his Houſe, by reuniting the Concerns of *Inſpruck*, that had been the Appennage of thoſe Arch-Dukes, did wholly give their Approbation of that Conditional Intention, in caſe of the Empreſs's Death: So that when the Court of *England* was in expectation of a final Conclusion of this Treaty; the

cunning



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cunning Negotiator did procure the appearance of it, to stop the Mouths of dissatisfied Men, and the Clamours that would have been upon a Rupture, after a Years suspense, and chargeable Treaty; so that the Duke being then upon the Sea, immediately after the Engagement of *Sole Bay*, in the last Dutch War, the Envoy at *Vienna*, sent word the Treaty was now ended, and there wanted only an Extraordinary Ambassador from the King to come to demand and Marry the Arch-Dutchess, according to the Forms, towards the bringing her to *England*, contenting the King in that Affair, and making the Duke happy.

Hereupon his Royal Highness, who had long in his Mind, pitched upon the Earl of *Peterborow*, to undertake and manage this great Trust, not only as the first Person about him, for his Birth and Quality, but as a Man whom he knew could never be corrupted, to act, or omit any thing that might prove contrary to his Interest or Service, did now declare he should (with the King's leave) be alone employ'd and trusted as Ambassador Extraordinary, in perfecting this matter, which so nearly did concern him.

The Earl did, at that time, attend the Duke in his own Ship, he had been with him the whole Expedition, and was particularly participant of all the Honours and Hazards of that bloody Battel, wherein the Noble Earl of *Sandwich* lost his Life, and so many brave Gentlemen on either Party; And from off this Fleet, it was, he commanded the Earl to repair to the King, and to intreat his Order to the Ministers, for preparing Money, Instructions and Instruments, that might enable him to proceed on his Journey, in order to bring him home the Princess, that had been so much desired.

Upon his arrival, and first Audience of the King upon this Affair, he found his Majesty not so warm as he did expect; he would not trust the Earl entirely with his Indifference, but let fall some doubtful Words, as if it were to sound, whether he would comply with more Delays; but when he found by the steadiness of his Lordship's Answers, that he did expect an ingenuous proceeding, for his Master's Satisfaction; his Majesty, a little abruptly, broke off the Discourse, and bid him repair to the Ministers, who should have Orders to dispatch him with as much speed as the preparation would admit.

He addressed himself, in the first place, to the Lord Treasurer, who, for all his concurrence with the Duke to other Ends and Interests, by which he had gain'd a particular share in his Credit and Favour; yet he was certainly no Friend to this, nor wished success to any other Foreign Proceeding; and did comply with, if not foment the King's Inclination to a further Delay in the Affair. Whether it

was,

was, That he would not appear to the approaching Parliament, Author of a Match, he thought they were not like to approve, or that he hoped the over-long delays would weary the Duke, and make him at last content to take up with some Lady, for whom this Lord had a Favour in the Court at home.

Certain it is, that he received the Earl's pressing Desires for a dispatch, with a colder kind of moroseness than he could have imagined, and in a way as did seem to expect from the Earl, an understanding of something he was not willing plainly to express.

The Duke seemed to believe, the Obstructions proceeded from the Insinuations of another Minister, with whom he had long been out, upon many Accounts; but he being in most things, Competitor with the Lord Treasurer, was glad to have occasion to justify himself in a thing so tender to the Duke, at the reasonable Cost of the other, and to set the Saddle on the right Horse.

The Account the Earl of *Peterborough* gave to his Highness of these Affairs, brought him with as much haste, as Matters would permit, from the Fleet to the Town; and when he arrived, the Business was so pressed on his side, that the Ministers were driven to break, or comply with his Desires: But it is most true, that in all the Matters expected from the Treasurer, he was more stiff, and more scarce, than was agreeable to the good Opinion, it was necessary for him to preserve in the Duke's Mind; and the Earl of *Peterborough* was fain to make use of his Competitor, who had a desire, at that time, to justify himself to the Duke, and had also much Interest with the King, to procure from his Majesty, upon Reasons of publick Honour, more large allowances than the Treasurer would otherwise have made, who thought to have pinched the Earl, and made his Business uneasy on that part, for not complying with him, in a direct sufferance of those Delays to take place, which might have obstructed the Duke's Marriage in any Foreign part whatsoever.

However, those Difficulties were overcome; Allowances were made for the Earl's Equipage, and provision of Money design'd for the maintenance of the Embassy; Orders were given for Commissions and Instructions; and after the Earl had served his Majesty, and raised for him a Regiment of Foot, whereof he was to be Colonel, designed for carrying on the *Dutch War*; his Affairs being all in a readiness for his Embassy, he did on the — of *March*, in the Year — under the Character of Ambassador Extraordinary to the Emperor, depart from *London* on that Employment, having in his Custody, Jewels of his Royal Highness's particular Cabinet, to the value of 20000 *l.* for a  
Present

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Present to the young Arch-Dutchess of *Inspruck*; and the King's Instructions to the Earl were these that follow.

*Instructions for Our Right trusty, and Right well beloved Cousin, Henry Earl of Peterborough going in Quality of Our Ambassador Extraordinary to his Imperial Majesty; given at Our Court at White-Hall, the 27th Day of February, 1672.*

## CHARLES R.

I. **H**AVING so many Months past, treated privately, and in a preliminary manner, a Marriage betwixt Our most dear Brother, *James, Duke of York and Albany*, Our High Admirall of all Our Dominions, &c. And the most Serene Arch-Dutchess *Claudia Felicia of Inspruck*; by the means of Our trusty and Well-beloved, *Sir Bernard Gascoign, Knight*, Our Envoy Extraordinary to his Imperial Majesty; and finding now at last, that the Matter is brought to a great probability of succeeding, by what Our said Envoy hath notified to Us, and the Powers We have given to him for the same, bearing Date the 27th Day of *January* last past; and being desirous to finish and compleat the same, We have resolved on sending you in quality of Our Extraordinary Ambassador to his Imperial Majesty, with full Powers and Instructions, openly and avowedly to demand of him, the said Princess, in Marriage with Our said most dear Brother; and to treat and conclude the same, according to the Papers given herewith, under Our Great Seal; and those others you shall receive from Our said most dear Brother: Promising a-new, as we have expressed in our aforesaid Plenipotentiary Power sent to *Sir Bernard Gascoign*, to ratify the same as soon as he shall send-hither the Project, signed by the Commissioners appointed to treat with him, and to transmitt it to his Imperial Majesty; the Ratifications whereof you shall see exchanged on both sides, before you proceed to a final Conclusion of the Marriage, in such Form as shall be agreed on.

II. To this effect, You shall transport your self with all convenient speed you can, from hence to *Strasburg*, by the way of *France*, and there expect (if the knowledge thereof cannot be sooner imparted to you) the hearing from *Sir Bernard Gascoign*, that all the Points are compleatly adjusted, as is aforesaid: Till when you shall detain your self there, giving an Account of your Arrival to *Sir Bernard Gas-*

Gaf-



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*Gascoign*, and the occasion of your stay there: If on the one side you shall understand from the said Sir *Bernard*, that the Treaty and Project of Marriage, is Signed according to our Direction (a Copy of whose plenipotentiary Power to effect the same, is herewith delivered you) then you shall without delay proceed on in your Journey towards the Court of his Imperial Majesty, and there taking upon you the Quality of our Ambassador extraordinary, demand your publick Audience in the accustomed Forms, accompanying your Discourse therein, with those Complements that are most suitable to the Occasion, and the present Conjunction of our Affairs; the Condition whereof, with Relation to them, shall be herewith exposed to you; but if on the other hand you understand from the said Sir *Bernard*, that new Delays are interposed in this Affair. *viz.* That the Ministers have not signed the Project in the Terms we have directed Sir *Bernard Gascoign* to do it; then you shall advertise the said Sir *Bernard* of the precise Orders we have given you, not to detain your self longer there, and according to his Answer, either to pursue your Journey on to the Court of the Emperor, or return back into *France*, dismissing your Equipage so as to lessen your Expence as far as you can; and in your return home again, you are to follow such Instructions and Directions, as you shall receive from our said most dear Brother.

III. When you shall have received an Assurance of his Imperial Majesty's entire Concurrence and Approbation of the Marriage, you shall take your leave there of him, and proceed to the Court of the Arch-Duchess of *Inspruck*; taking along with you Sir *Bernard Gascoign* for your Assistance, in this and your farther Transactions. And being arrived there, concert with the Arch-Duchess *Dowager* the Marrying the Princess her Daughter, in the Name of our said most dear Brother, according to the Proxy he shall give you to that effect, and in a word performing all other Ceremonies that shall be conducing to that Affair, with all regard to such an Occasion, and the value we set upon it.

IV. Being arrived at the Court of *Inspruck*, you shall make all fitting Complements to both the Arch-Duchesses in our Name, suitable to the occasion, delivering to them our Letters; and afterwards Adjust and Concert with such Minister or Ministers, as shall be appointed to Treat with you, according to the Powers herewith given you, all the Circumstances and Ceremonies requisite towards compleating the Marriage, and the bringing the young Princess hither into *England*, with as much Speed and Convenience as an Affair of that nature will permit; advertising us from Time to Time, by express Couriers or otherwise, of your Agreements and Progress therein, that nothing may be found

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found wanting on our part, to satisfy the World of the value we have of her Marriage with our most dear Brother, referring you further to those particular Instructions and Directions you shall receive from him therein.

In performance of this our Ambassy, you shall take special Care of our Dignity, not yielding the Hand to any Ambassador of any Crowned King whatsoever; but on the other side avoiding prudently any unnecessary Occasions of Competition, not to discompose your Negotiation thereby, unless you are unavoidably provoked thereunto: And if in your very going or coming, it shall befall you to see any Prince of the Empire, even the Electors themselves, you shall take care to stipulate before hand the manner of your Reception; so as it may not be inferior to what they have given to the Ambassadors of any Crowned Head, demanding especially the hand of them in their own Palaces; when you shall be visited in any of the Courts, by the Envoys Ordinary or Extraordinary, Residents, &c. of any Princes you shall deny the Hand to them in your own House, it being a Rule now established.

C. R.

By his Majesty's Command.  
Arlington.

The Earl arrived at *Dover* the next Day, and under a very fair Passage, came the Day following to *Calais*, where having staid two Nights to provide for his further proceeding to *Paris*; on the 3d Day in the Morning, an Express came to him from Court, bringing Letters of Assurance from thence and from *Germany* too, that the Emperess was dead, and the long Treaty of *Inspruck* broken off, by reason the Emperor was now resolved to have that Princess for himself.

The Earl, had notwithstanding Letters from his Royal Highness and from the Earl of *Arlington*, by the King's Command, that notwithstanding this he should proceed to *Paris*, remaining quiet there under his own particular Character, attending their farther Commands, whereby he was like to be employ'd to procure a Princess that might be a fit Wife for the Duke out of some other Family.

His Lordship obey'd, and after being settled at *Paris*, he had Advice from his Royal Highness, that there had been proposed to him four Wives, with some of whom it was impossible for him to be acquainted; he did command his Lordship to endeavour by all the diligence he could, to get Sight and Knowledge of them, or at least their Pictures, with the most impartial Relations of their Manners and Dispositions.

The

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The first of these was the Dutches of *Guise*, whom France more particularly wished to favour into this Alliance; the next the young Princess of *Modena*, only Sister to the then Duke of that City and Country; the third a Lady called *Mademoiselle de Rais*; and the fourth *Mary Anne*, Princess of *Wirtemberg*.

This was a great Trust, to the performance whereof, was requisite both Honesty and Discretion; the first to render unconsidered all the Advantages might be proposed, to make partial the Person trusted, against the Interest and Satisfaction of his Master. And the latter to find out and judge what might be most Expedient and Agreeable to his true Humour and Circumstances.

The first and latter of these did reside at *Paris*, the Dutches of *Guise* at her own House, and the Princess of *Wirtemberg* as a Pensionary in the Monastery of — but the Princess of *Modena* was with her Mother in *Italy*, and *Mademoiselle de Rais* at her Relations, some hundred Miles distant from *Paris*. The Dutches of *Guise* he saw at Court, she was the youngest Daughter of *Gaston de Bourbon*, Duke of *Orleans*, the King of *France*'s Uncle, but a Princess for whom he knew the Duke had no Inclination, she not being only low and ill shaped, but under the appearance of a feeble Complexion; so as tho' she had much Reputation for Innocence and Virtue, her Constitution did not promise a likelihood of either many or strong Children: And that end appearing to the Earl the chief Business of the Duke, and of *England* too; all the Favour of *France* (a share whereof he might have tasted from the Merit of the Recommendation to this Alliance) could not induce him to promote a matter contrary to the ends of his Trust, and the Duke's Service.

The Princess of *Modena*, *Mary d' Este*, his Lordship could not see; but by the means of a Scotch Gentleman, that had been conversant in the House of *Conti*, one Mr. *Conn*, he was introduced into the Pallace of that Prince, whose Lady had been one of the young Princesses of *Modena*'s nearest Relation, and there he saw her Picture, that had been lately sent thither from that Court. It bore the appearance of a young Creature about fourteen Years of Age, but such a light of Beauty, such Characters of Ingenuity and Goodness, as it surprized the Earl, and fixed upon his fancy, that he had found his Mistress and the Fortune of *England*.

An ill Picture he saw of *Mademoiselle de Rais*, but being at such a distance that he could not know her self, or have any perfect Relation of her Circumstances, he sought no farther Encouragement after that Matter.

His whole Thoughts were turned upon the young Princess of *Modena*, with whose Character that he might be the bet-



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ter acquainted, by the means of the forementioned Mr. Com., he got a meeting, such as might seem accidental, with a Gentleman called the *Abbot Ritbini*, a Man that was employ'd at *Paris* in negotiating the Interest of the House of *Este*, and it was in a private but commodious Place for such an Interview, in the Cloysters of the great Charter-House in *Paris*. After usual Complements, they fell upon divers Discourses, and by degrees that made it casual, coming to Matters of *England* and the Duke's being a Widdower, with the necessity of another Marriage; they talked of divers Princeesses that the World named as proper for a Match so illustrious. The Earl had occasion hereupon to enquire of him, what Children there were in the House of *Este*: He told him only two, a Son that was the present Duke, and yet a Minor, and a Daughter of about fourteen Years of Age; to whom tho' he attributed many Excellencies, yet he endeavoured to make them useles to *England*, by saying, *The Dutchesse her Mother, but more strongly her own Inclination, did design her to a Religious Life, and that she did seem resolv'd not to Marry.*

This Affirmation was an extream Blow to the Hopes and Desires of the Earl, and of which he was forced to give an Account, together with the Esteem and great Value he had for the Character, that from all hands he had received of the young Princeess.

But after this he was induced by the Duke's particular Direction, to make his Access to the Princeess *Mary Anna of Wirtemberg*, that had likewise, as has been said, been recommended to his Consideration. This Lady whose Father had been slain in the War, and her Mother retiring at that time into *Flanders*, of which Country she was, did remain in a Monastery of Ladies, in company of several others of great Quality; and the Earl was introduced to a sight of her by Father *Gilbert Talbot*, at that time newly entred into Orders of Priesthood, and an Acquaintance of her Confessor. She was perswaded to receive his Lordship by way of a Visit in the manner as is usual at the Gate of a Palace, designed to give the Ladies opportunity of Speech at seasonable times with their Friends and Relations. This Princeess who was Daughter to a Brother of the Duke of *Wirtemberg*, was under the Protection and Care of the Crown of *France*, by reason of the great Merit of her Father's Services, and was believ'd would have stood fairer than any for its Alliance to the preferment of this Match, if that the Dutchesse of *Guise* and Princeess of *Modena* did not take place. She was of a middle Stature, fair Complexion, brown Hair; the Figure of her Face turned very agreeably, her Eyes Gray, her Looks Grave but Sweet, and in her Person she had the Motions of a Women of Quality and well bred; but about

all, she had the appearance of a Maid in the ripeness of her Youth, of a sanguin and healthful Complexion, fit to bring strong Children, and such as might be like to live and Prosper. Altho' there was much Modesty in all her Behaviour, yet she was not scarce of her Discourse, and spoke well, and pertinently to every Thing.

His Lordship not being now unsatisfy'd with this Interview, and believing that except the Princess of *Modena*, he had neither seen or heard of, any thing more proper, for what might capacitate the Person of a Wife. He began to inquire of the Fortune which might be expected with her; but of that, altho' some concerned for her, did give out that by several ways there might be expected from her Friends fifty or threescore Thousand Pounds, yet he confess'd he never could find any reasonable Bottom, upon which to build such an Assurance: Yet a Marriage being his chief Business and a probability of Children; he gave according to his trust and the Duke's Command, the truest Character he was able of her and her Circumstances.

His Highness hereupon having a concurring Account of this Princess from others he had charged with the Enquiry, as well as his Lordship, seemed so satisfied with it, as he gave the Earl Orders to proceed in his Application to the Princess; and to give hopes to her and her Friends, that he would send sudden Orders to demand her in the usual terms. And from the earnestness of the Duke's Expressions, he himself did believe, he should in two or three Posts, be been capacitated thereunto. He obey'd, and found every Day new Contentments in the Conversation of the Princess, so as he doubted not, there would have risen from this Commerce, a satisfaction both as to his Master's Interest and Inclination.

But on a sudden unexpected Orders gave a change to this fair, an Express brought Directions to the Earl, that leaving *Paris* privately which as little Company as was possible, should repair Incognito to *Dusseldorp*, the Residence of the Duke of *Newburg*, and that there he should try to get sight of the Princess his Daughter, who had been earnestly recommended to his Highness, as a Princess fittest of any for his Alliance. This was believed, that it did proceed from the Service *France* did at that time expect from the Earl, her Father, whose Country and Troops were at that time adjacent to those Parts of *Flanders* and *Holland*, where the King had a very sharp War. And it was earnestly supported by divers Persons of much Interest in the Court of *England*, who had been formerly obliged, or at present gain'd to promote the satisfaction of that Duke: But the Earl received Orders from his Royal Highness, to give him a perfect Character of that Princess, her Person, and to what he

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could see of her Parts, Manners and Inclination, as he could any ways learn, with the reposition of so great a Trust, as he did assure him, if he found her not answering the Character given her, he should have immediate Orders to return, and bring home the Princess of Wirtemberg, of whom we have spoke before.

The Earl who was nothing but Duty and Faithfulness to the Duke, obey'd his new Orders with all the diligence imaginable. He took Post accompanied only with an Italian Gentleman, one Signior *Varasani*, his Gentleman of the Horse, and one that served him in his Chamber. He arrived in two Days at *Metz*, whence he went by Water to *Cologne*, at the time Sir *Lionell Jenkins* and Sir *Joseph Williamson* were Ambassadors plenipotentiary in that City. He did not intend to have seen those Ministers, having no Orders to Communicate, nor Advice to take of them; but walking alone in the Street after his Arrival, he met Sir *Joseph* in his Coach, who, without considering he was not in a condition to be publickly taken notice of, alighted, and Complimented the Earl in the Street; of which unseasonable Respect, his Lordship delivered himself by his desire, that he would forbear it any farther: But after this he did privately Visit those Ambassadors, but without communicating his Business or Intentions.

He prepared there for his Voyage to *Dusseldorp*, pretending at the House where he lay, a Curiosity to see the Court and Habitation of a Sovereign Prince, not above — from that City, who had the Reputation of being Wise and Generous, and to live in all the State and Order suitable to his Condition and the Greatness of his House. The Master of the House provided him a convenient Guide, acquainted with the Town he was to see, and the Ways and Passages to it. So one Morning the Earl and his Companion Signior *Varasani*, and two Servants, embarked upon the Rhine, and in an ordinary Boat, were carryed down the River to the Walls of *Dusseldorp*.

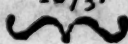
They were Examined at the Gate, and giving out they were Strangers brought by Curiosity to see the Place, were admitted, and by a Soldier conducted to an Inn, where they staid to repose themselves, and take their measures for a further proceeding.

They thereupon sent their Guide to inquire the method of approaching the Palace and the Prince, who brought word there would be that Day a greater difficulty than usual, for reason the Prince and Court were to be employ'd in seeing an anniversary Contest among the Citizens and other Persons of that Place, which should soonest shoot down the Papagee or Parrot, a thing made in the similitude of that Bird, from a very high Pole, which was to be performed with much

Method



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Method and Ceremony; and the Victor to have the usual Reward of his Address. But that before the beginning of the Undertaking, the Prince was to be Entertained at Evening Service in the Jesuits Church with very rare Musick, to which the Dutchess and Princess did likewise resort; so as the Earl might have a fair view of them there, and what else was considerable in the Court, and that he would conduct them to a station proper for that end.

This was readily accepted by his Lordship and his Companion, who were by their Guide, placed in a fair Passage, part of a Cloyster, whereby they were to pass. After some Expectation the Duke arrived, preceded with the State and Ceremony that was suitable to a Sovereign Quality; he had his Wife by the hand, the Princess followed, and a considerable Train of Ladies and Cavaliers well Dressed and in good Order. The Princess was not well to be discerned, by reason of the Hoods that were over her Face; but passing after into the Body of the Church, the Earl had a farther view into a Gallery above, where the Duke sat to hear the Service.

The Office and Musick being at an end, and the Guide having acquainted some under-Officer of the Court, that two Gentlemen of the *English* Ambassadors Train that were at *Cologn*, and had come to see that Town, were desirous to have a sight of the Court, and do Reverence to the Prince; he was told that he might bring them. Then they came into the Palace under his conduct, and being met by a Gentleman in the inner Court, he took them out of the hands of the Townsman, and carry'd them up into a large Room, where after some Attendance, they were led into another, whereunto the Prince came unto them.

The Duke of *Newburgh* seemed at that time to be about forty Years of Age, of a competent Stature, well Shaped, well Dressed, and of a most obliging Behavior. He had a Suit after the *French* Fashion, of a grey Stuff, with Diamond Buttons, a Diamond Hatband, and a Diamond Sword; and about his Neck in a black Ribbon, hung the Order of the Golden Fleece. He did receive their Complements with much Courtesie, which they paid with all Respect, and of himself began to entertain them with divers Questions about their Journey, the Ambassadors, and Proceedings of the Treaty at *Cologn*; and afterwards insensibly fell upon *England*, the Court thereof, the Princes, and its other Concerns. He enquired concerning the Duke of *York* and his Marriage, where was Monsieur de *Peterborough*, and if he continued at *Paris* after the disappointment of the Treaty of *Inspruck*. All which Questions having been answered, he said afterwards he heard the Duke was like to be Married to an *English* Lady; they assured him, they heard of no such thing.

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At last he took his leave of them with much Civility; when he was departed, they asked the Question, if they might have the further favour of seeing the Dutcheſs and the young Princeſs, who having told them, he would enquire: he kept them, and after ſome ſtay, returned to let them know they ſhould be admitted; towards which they were carry'd, and introduced into an upper Room, where ſeemed to expect them, the Dutcheſs of *Newburgh* accompanied with the Young Princeſs her eldeſt Daughter.

The Earl made her his Compliments, with the greater reſpect of which he was capable; whereunto her Highneſs as he was told, in her own Language, made all ſuitable returns; but ſaid, that not being verſed in the *French* Tongue ſhe deſired her Daughter the Princeſs, might interpret between them; at which the Princeſs did approach, and helped to carry on the Converſation, and with intention, as he thought, to ſhew her Capacity in that Language. They had all by that time, as he had reaſon afterward to believe, ſuſpected the Earl of being ſome other Perſon, and having more Deſign in his little Voyage, than was pretended.

The Dutcheſs of *Newburgh* was a Princeſs, in his Opinion, of about five or ſix and Thirty Years, of a middle ſtature, light Brown Hair, enclining to be fat; great Characters of Goodneſs in her Countenance, and was ſuch a one as might be proper for a good Wife; without Qualities over ſubtile or Courtly, as might be found in the Spirits of Ladies bred in *France* or *Italy*.

The Princeſs her Daughter was ſuppoſed to be about eighteen Years of Age, of a middle ſtature, ſhe had likewiſe very light Hair, and was of an exceeding fair Complexion; her Eyes were of a light blewiſh Grey, the turn of her Face more round than oval, that part of her Neck he ſaw, was as white as Snow; but upon the whole, at thoſe Years, ſhe was inclining to be fat. In Diſcourſe, ſhe rendred to his Lordſhip, readily, her Mothers Senſe, and ſpoke her own aptly enough; ſhe had the appearance of one that might be proper enough for a good Wife; and that poſſibly was fit for Generation. But the great Genius did not appear of Buſineſs or Converſation, for which ſhe has been praiſed ſince ſhe came to ſit upon the greateſt Throne of *Europe*.

After a due time, the Earl *Peterborough* did from hence alſo take his Leave, with all the Circumſtances of reſpect that were due to Perſons of that Quality: But at his departure, he found himſelf much more attended by Gentlemen, and with greater reſpect than at his Arrival: And he was preſſed to ſtay Supper by the Chief Officers of the Houſe; even to a degree of like to have it impoſed upon him

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him. But the Resolution of not receiving any further Engagement, made him, in the civilest manner he could, break thorough all that, and got himself at liberty to retire to his Inn; where, after he had made a very ill Supper, there came to inquire for him, under pretence of a Visit from a Country-man, a young Gentleman, one *Hamilton*, that wore a Gold Key by his side, and was said to be much in the Duke's favour, and of his Bed-Chamber. This *Mr. Hamilton* seemed to try every way, what he could get out of the Earl, and by his Discourse, his Lordship perceived, his Proceedings had puzzled the Court; but withal, they were suspicious of his satisfactions, by reason he declin'd to receive greater Favours from them than was just necessary; however he departed civilly, and his Lordship to his rest.

The Earl was impatient to be gone in the Morning, and having a Waggon ready (the ordinary way of travelling in that Country) he came, by Land, to *Collogn*, whence his Lordship immediately dispatched an Express for *England*, with the Success and Account of his Journey: In Answer whereunto, his Lordship had immediate Orders to return with all speed to *Paris*, with an assurance, that at his arrival there, he should meet Directions to demand to Marry, and to bring home, the Princess *Mary Ann* of *Wittemburg*.

As has been said, there were a great Party in the Court of *England*, engaged to promote the Marriage of *Newburgh*; but there was another that mov'd strongly to promote *Mademoiselle d'Elbeuf*, Daughter to the Duke of that Name, who was a Cadet Prince of the House of *Lorain*, which was the Dutche's of *Portsmouth*, who was then, and continued to his End the Favourite Mistress of King *Charles* the 2d: And she, who wanted neither Cunning nor Council, considering the transitoriness of Human Condition, and particularly of Human Affections; and not knowing how soon her Retreat might be necessary into her own Country, did wisely endeavour to oblige therein, and make all the Friends she could: So to engage the House of *Lorain* and *Bouillon*, she had wrought with the King, not only to consent to the Marriage, but to order the Earl of *Peterborough* to see the Lady, and to send him his Opinion thereof. And to this, if it had been any way advisable, his Royal Highness himself would not have been averse, from the partiality he ever had to the House of *Bouillon*, and particularly to *Monsieur de Turenne*, whose Niece the Lady was. But in truth, she was so very young, not having fully attained thirteen Years, and so little a Woman of that Age too, as when it was really represented, it was found wholly improper for the Duke's Circumstances, and the Business of *Eng-*



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land: But to favour it, she and her Creatures had, in the mean time, done what they could to detract from the Princess *Mary Ann* of *Wirtemburg*; to whom, notwithstanding from the first Impressions he had received, he stood so well inclin'd, as by the Return of the next Express, after the Account of the Princess of *Newburgh*, he commanded the Earl to go back in diligence to *Paris*, where he assured him he should meet all the Orders necessary to bring away that Lady.

The Earl obeyed with much satisfaction, and esteeming this, next to the *Italian* Alliance, the most suitable of any that had been propos'd; so, with all the haste he could, he came to his first station, and not doubting of the performance of what had been so earnestly assured, he lighted at the Monastery where the Princess *Mary Ann* lived, as soon as he came to *Paris*, and acquainted her with the Orders, he had reason to believe, did attend him at his House; after the receipt of which, he should have but to call to her (as he said) his Mistress, and pay her the Respect due to the quality that did attend it: He could not but confess the Moderation, which in other things did appear in her Temper, was not great enough to conceal her Joy upon this occasion; and she was not to be blamed, considering the provision it would have been for an Orphan Maid to marry a Prince so great, both in the Circumstances of Fortune and Merit; but after he had taken his leave and returned home, with what reverse of Fortune did he meet!

The Agent that did at that time negotiate, in absence of the Ambassador, was ordered to watch the Earl's approach to *Paris*, that he might deliver his Letters with new Orders, to him before he arrived, thereby to obviate his communication to the Princess of the last he received at *Cologne*, before he could be fore-warned or forbidden; but by neglect, or taking a wrong way to meet him, the Earl had seen her, and made her Complement: upon the Orders he had so great reason to expect, before he could receive his new Directions: So as coming home, and being there saluted by his unwary Minister, he received from his Hands, such Letters as quite changed all his Methods, by the total forbidding to proceed any further in Treaty, or demand of the Princess of *Wirtemburg*, and directing him to expect Instruments and Instructions by the following Post, to proceed with all haste to *Italy*, to demand, according to Form, the young Princess of *Modena*.

This last Order reducing the Earl to his first Opinion and Inclination, did comfort him against the dissatisfaction of so uncertain and Changeable a proceeding; he found a way to acquaint the Princess *Mary Ann*, with the unexpected change in the Fortune that was designed her; and

turned

turned the event upon the Resolutions of State-Ministers, from the Duke's changeableness, or any dissatisfaction taken from her Character. Much ado there was to appease a Mind disappointed to that degree; and there were of those to whom she had seemed a Rival, that forbore not to rejoyce, if not to insult upon this Reverse of Fortune: But at last, she was forced to appease her Discontent, and tho the Earl durst see her no more, yet he wished her much Happiness, as she did deserve in any other proceeding.

His Lordship was, after this, employed in preparation for his Voyage to *Modena*, expecting in a Post or two, the Necessaries which should enable him to proceed in that Negotiation: In ten Days they arrived to his Hands, with particular recommendation from the Duke his Master, to use that expedition and diligence, which was alone capable to establish his Marriage, beyond the Contradiction or Dissolution of a Parliament; which it being now the Month of *July*, was like to sit in *November*; and if it were not before that, past obstruction, would leave no stone unturned, that might contradict or hinder any Catholick Alliance.

As for his Instructions both from the King and Duke, in the prosecution of this Match, they were these that follow.

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*Instructions for our right trusty, and right well beloved Cousin, Henry Earl of Peterborough, our Ambassador Extraordinary to the Court of Modena. Given at our Court at Whitehall, July the 30th. 1673.*

CHARLES R.

THE occasion failing, upon which we lately instructed you, in the Quality of our Extraordinary Ambassador to the Court of *Vienna*, *Viz.* The effecting a Marriage between our most dear Brother, *James Duke of York, &c.* and the young Arch-Duchess of *Inspruck*; and our said dear Brother desiring us now to consent to his Marriage with the young Princess of *Molens*, *Mary d'Este*, Sister to the present Duke of *Modena*; we have thought fit hereby, to enjoin and direct you to make what convenient Speed you possibly can, to the Court of the said Prince, and introducing your self there by your Letters of Credence, which we herewith send you, to an Audience with the Duchess Regent; and after the Performace of such Complements to her on our part, as will best occur to you upon the Subject; open unto her our Brother's earnest desire, to espouse the young

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young Princess her Daughter; declaring withal, the sufficient Authority you have to effect the same, by Vertue of those Powers you will herewith receive from us, and our said most dear Brother: And desiring of her to appoint you some Ministers, with whom you may adjust all Circumstances, as well relating to the Marriage, as the bringing the Princess hither: Accordingly you shall stipulate and agree, on such Conditions and Articles with them, for the payment of the young Princess Portion on their part, and for the establishing a Jointure on ours, as you shall be more particularly instructed therein by our said dearest Brother, who seems to be willing to settle a Jointure of 15000 *l. per Annum*, sterling Money of *England*; and even to enlarge himself further therein, if the value of her Portion (hitherto not certainly known to us) shall require a better, and further Secure in this Clause by referring it and the time for the payment of her Portion, to the Arbitration of the Most Christian King, as a neutral Person betwixt the Parties; in case you do not find it easie for you, finally to conclude these points your self. These Capitulations being thus finished, you shall proceed to espouse the Princess in our Brothers Name, according to the Deputation and Proxy he will send you to that effect; and when that Ceremony is over, adjust with the Dutchess Regent, or her Ministers, the manner of bringing the young Princess hither, which we suspect (for the avoiding many troublesome and chargeable Ceremonies) she will chuse to do incognito; consequent to which, you shall leave to them, the defraying the expence thereof as far as *Paris* or *Calais*, whither our said Brother will resolve to send a part of his Household, to receive and entertain her at his Charge, until she arrives in our Court; assuring the Dutchess Regent, and the young Princess too, of all possible Evidences on our part, of our tender Care and Affection to her, agreeable to the quality of her Person, and the Love we shall ever bear her as our Brother's Wife. Now, tho it be unusual to send Ambassadors Extraordinary, to a single Prince of *Italy* of that Sphear, yet we have condescended unto it, to honour our most dear Brother's Choice of this Princess for his Wife; But that on the other side, our own Dignity may not suffer thereby, you must be careful at your appearance in that Court, to stipulate and adjust the manner of your Reception there, to the full extent of such Ceremonies, as have been given to the Ambassadors of *France* and *Spain*, that have ever appeared there, and particularly those given to the Duke de *Noailles*, when he conducted thither a Wife to the late Duke. You shall not fail to give us timely notice of all your progress and proceedings herein, by the Hands of one of our Principal Secretaries of State; that if need be, we may transmit



to you our further Instructions and Directions, for the better performance of this important service. Given at our Court at *Whitehall*, July 31. 1673. In the 25th Year of our Reign.

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By his Majesties Command,  
Arlington.

C. R.

James Duke of York and Albany, Earl  
of Ulster, &c.


*Instructions for the Earl of Peterborough in his  
Extraordinary Embassy, touching my Marriage  
with the Princess of Modena.*

I. YOU are, in pursuance of his Majesties Commands and Powers to that effect, to make what speed you can to *Modena* (or else where that Court shall be) and there having obtain'd Audience of the Dutchess Regent, Duke and Princess his Sister, and presented your Credential Letters from his Majesty and my self (which shall be sent you herewith) you are to profess to them, the earnest Desires I have of marrying that young Princess, and the great Affection I have conceived of her Person and Vertues, with such other Expressions as you judge proper for the Occasion.

II. You are to apply your self to that Court, and the Ministers there in such sort, as to expedite all you can, the conclusion of this Treaty of my Marriage; to which end, in stipulating the Conditions for payment of the Marriage Portion, whether as to the same it self, or as to the times and methods of payment: In case you find any Difficulties therein, you are to refer them to the determination of the most Christian King, who being a neutral Person between the Parties, and a Friend to each, will adjust this point to the mutual satisfaction of both.

III. You are, as a particular mark of my Esteem of the young Princess, to offer for her Jointure (in case she survive me) the Annual Rent of 15000 *l.* Sterling, payable quarterly, and to be given out of the whole Revenue, and to be secured according to the best and most effectual Forms, used in the common Laws of *England*; at the same time assuring the Dutchess Regent and her Ministers of my willingness to augment this Pension, according to the proportion of what her Portion shall be adjudged to exceed it in value, by the determination of the most Christian King,

IV. When

1678.  IV. When you shall have contracted the Princess in my Name, you are to present to her, as a Token of my Esteem, such part of my Jewels in your Custody, as you shall judge convenient; and on the Morning of the Day for performing the Solemnity of the Marriage, you shall present her with the Remainder of my said Jewels, as a farther pledge of my Affection and Satisfaction of what you have done for me.

When the Marriage Ceremonies are performed, you shall with all convenient Speed, conduct the Princess at the Charge of the Court of *Modena*, to *Paris* or *Calais* either (if it may be) and for avoiding many troublesome and expensive Formalities, it will be advisable that she come Incognito. But for the better adjusting this point likewise, you are to consult with the *French Minister* upon the place, who will be fully Instructed therein.

At the same time that the Princess shall arrive at *Paris* or *Calais*, which you are to signify to me before hand, as soon as you can compute it exactly; I shall order out of the Officers, and others of my Household, a suitable Retinue for her, to be assisting to her there, and wait upon her hither; always supposing you will do your utmost to inculcate to the Princess her self and the Ministers there, the great Inconveniences that would follow, her being attended with too numerous a Train of Foreigners, who are seldom so useful here as Natives, and are obnoxious to Censure upon any Miscarriages; but because this point is such a one, as may better be handled by the *French Minister*, you shall herein use his help.

VII. In all things touching this matter, whether express here or omitted, you are to Consult likewise the Instructions you shall have received from his Majesty on this Occasion; that by comparing both, you may be the better guided in what you are to transact.

VIII. You are to lose no opportunity of giving me (or my Secretary) constant Advice of your Proceedings and Progress, as well for my own Information, as for your farther Direction, If any new Matter occur, not at present foreseen.

Finally, His Majesty having left it to me, more particularly to direct you the best I can in the performance of this Service, so as it may speedily take effect to my Satisfaction, I cannot think it will be brought to pass, if you carry with you a Train or Equipage, answerable to your Character of Extraordinary Ambassador, viz. Coaches, Horses, Footmen, and many other Officers proportionably: My Opinion therefore and Direction is, that you go Post to *Modena* by the way of *Lyons* and *Turin* Incognito, with such a Train as is suitable to that way of Travelling, and yet with as much regard to the Dignity of your Embassy as may be, viz.

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A competent number of Gentlemen, Pages and other ordinary Servants as are convenient for you; dividing which by several Companies, they will never be far behind you, especially at your Arrival in the Court of *Modena*, where 'tis only necessary they should be seen with you. And arriving there you must without delay, enter into a Conference with him that is the Minister of the most Christian King, under what Character soever he be there, and imparting to him freely the scope of your Errand, advise with him and use his Assistance, in obtaining and adjusting for you such things as may facilitate all the Ends thereof, as well for your own Dignity and Convenience, as the speedy Accomplishment of the Marriage, and all the Circumstances depending thereupon.

When the Marriage shall be over, and that you have adjusted also the manner of the Princess coming into *France*, (which Journey I think will most conveniently be performed by Sea to *Marseilles*, whither the Gallies of the most Christian King will be ordered to bring her, and whither you must attend her) I will that then or before, you dismiss most of your Retinue, lest their Attendance may not consist with the Figure, the Princess may probably desire to take of Travelling Incognito, or embarrass you in the Conveniences of your Journey; retaining only as many as will fill one Coach, and that follow her all the way, until she arrive at *Paris* or *Calais*, at one of which Places my Servants shall be appointed to attend upon her; and then you shall be sure of receiving new Orders from me. Given under my Hand and Seal at St. James's, the first day of *August*, one Thousand six Hundred seventy three.

James.

By the Command of his Royal Highness.  
Jo. Werden.

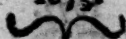
This done, he dispatched away his Train and Equipage under the Conduct of his Officers, and himself took Post, with Intention of giving a sudden end to this Affair. It had been hinted to him, that he would find no difficulty in his Undertaking; all things having been prepared by the Power and Offices of the King of *France*, in whose Interest the Princes of this House had of a long time been; and that Monarch finding the Match with his Cousin not like to take, nor the other of the Princess of *Newburgh*, did not think it advisable to let his Royal Highness escape into the Alliance of any Family unfavourable to *France*; and therefore he used all the force of his Counsels and Persuasions to make this Marriage succeed.

The Earl then received Wings from the Interest and Commands of his Master, and came to *Lyons* in three Days.

But



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But he was no sooner entred into his Inn, and began to repose himself, believing from the care he had taken to be concealed, and his little Equipage, that he was there wholly unknown, when a Servant of the Inn brought him word, there were two Gentlemen below that desired admittance to speak with him on the part of the Dutcheſs of *Modena*. He could not refuse to ſee them, not knowing upon what Account they came; and upon their approach they delivred his Lordſhip a Letter, ſigned by one *Nardi* that ſtiled himſelf a Secretary; wherein he wrought to acquaint his Excellency, that they had heard of his Intentions to come into thoſe Parts, in order to Treat of a Marriage with the young Princeſs of *Modena*; but the Dutcheſs knowing her Daughter's Intentions to be entirely againſt any Obligation of that kind, and that ſhe was perfectly ſettled in the Reſolution of taking upon her a Religious Life, ſhe thought it reaſonable to give him timely Adverſement thereof; that the King his Maſter not being unacquainted therewith, might deſiſt from expoſing himſelf or his Lordſhip, by purſuing a Deſign, which tho' it was very Honourable and Advantageous to her, her Daughter and the Houſe of *Eſte*, yet was unpraſticable and no ways to be brought about.

The Earl's Surprize was infinite upon this occaſion, but he thought it moſt prudent to ſeem amazed at the cauſe of ſuch a Letter, and to diſown to theſe Perſons any Concern of that nature, or Orders to proceed in the Buſineſs they did ſurmize. He told them, he was a private Traveler that came upon his own account, only to ſatiſſie his Curioſity, and the deſire of ſeeing *Italy*, ſo as there was no occaſion for her Highneſs or any others, to concern themſelves in his Morions.

The Gentlemen departed, and the Earl gave immediately an Account to the King and the Duke his Maſter, of what had hapned, and the Diſcouragement he had met: And tho' he directed his Servants and Equipage to remain at *Lyons* till further Orders; yet he reſolved himſelf to proceed as far as *Turin*, where reſided an Ambaſſador of *France*, who had the Reputation of Preſiding over the *French* Affairs in *Italy*, to whom he might communicate what had hapned; and to take ſome Meaſures with him about his farther Proceeding.

He repaired immediately to the Ambaſſador's Houſe after his arrival in that City; and enquired of him whether he had any Orders to aſſiſt him in the Affair in queſtion, wherein the World eſteemed the King his Maſter the chief mover? The Ambaſſador aſſured his Lordſhip, he had never been made acquainted with that Buſineſs, and that if his Maſter were concerned in it, it was likely he deſigned to ſend ſome Man of Quality on purpoſe, who would be particularly

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ticularly Instructed in the Management thereof. But he said, that to his particular surprize, he had two Days before received a Letter from the Dutcheß of *Modena*, wherein she pray'd him, that if his Lordship came to *Turin*, and did Confer or Advice with him upon that Matter, he would signifie to his Lordship an Impossibility of accomplishing it, for the Reason which had been before expressed, in the Letter which his Lordship had at *Lyons*, received from *Nardi*.

This second appearance of an averse Proceeding began very much to discourage the Earl, and as he had given an Account thereof to the Court, he was in doubt what to do, or how to make any farther Advances. But the *French* Ambassador, who tho' unemploy'd in this Affair, did now believe his Master much concerned in bringing it about, advised the Earl to a little Patience, and that continuing the pretence of a casual Traveller, he would advance his Journey down the *Po* to an agreeable City called *Plaisance*, where he might find occasion to remain, and Entertain himself till he had further Orders.

The Earl followed his Counsel, arrived at the Place agreed on, and lodged himself as convenient as he could, to the appearance of a private Traveller; but for all his Caution, the second or third Day after he came to *Plaisance*, one of the Servants brought him Word one Morning, how there was a Gentleman desired the favour of being admitted to him, who came from the Dutcheß of *Modena*. The Earl sent immediately to have him introduced, and it proved the same *Nardi* himself, who had written the first Letter to his Brother at *Lyons*: He had the appearance of an ingenious Man, who spoke well and was practised in all *Italian* Civilities. He presented now to his Lordship a Letter from the Dutcheß herself, wherein she wrote, That having heard of his Journey into those Parts, with the Ends and Causes thereof, she thought it her part, before a great King and his Minister should expose themselves in the Demand of a thing which could not be accomplished, out of Respect to them to manifest the reason of it; that she might be excused from seeming any ways the cause of their Dissatisfaction. There was likewise in her Letter, repeated what was contained in hers to the *French* Ambassador, with something more; but to all she added, That indeed there were other Princesses besides her Daughter, to one of which if the King his Master did think fit, it was possible he might be admitted to address himself: And however in the mean time, if his Lordship would come and divert himself in that Court, she should esteem her self favoured by his Reception, and he should be very Welcome.

The Earl after having excused himself to the Dutcheß, from the Trouble his coming into those Parts, seemed to cause unto her Highness, and thanked her for the Honour she

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she did him in the rest, with a fair excuse. He told her again, There was no cause for the first, because he was but a private Traveller, without Design or Orders to disquiet any Body with Pretences that were not agreeable to them, nor indeed with any of that nature; which might answer the better also. So *Nardi* returned with a seeming satisfaction at that time. But the next Day his Lordship received a Letter from the *French Ambassador* at *Turin*, whereby he acquainted him, that there was now by the King of *France's* Order, upon the way, the Marquess of *Angeao*, designed by his Majesty to come with most pressing desires to the Dutchess, for a Consent and Conclusion of this Match, and to assist his Lordship with all the Offices and Endeavours imaginable. This did much satisfy the Earl, if on the neck thereof, there had not an Express come out of *England* to assure him of the same, as to the part of the Marquess d' *Angeao*, but with Direction that when he came, instead of the young Princess from whom they took it, all the Difficulties did arise, they should demand an Aunt of hers, which in all manner of Circumstances was inferior to her, and from divers Considerations improper for the Duke's Occasions. This sudden change in the Affair, did infinitely mortifie the Earl, whose Head turned round under this variety of Uncertainties; but he had but to Obey and be Patient. And now some Days after came *Nardi* again with new Complements from the Dutchess, and Expressions how glad that Court should be, if the Honour that was supposed to the Daughter, might be transferred on any other Princess of that Family (for it seems they had been informed, that something of that kind had been listned to in *France*) The Earl that was in expectation of his *French Assistance* who was not yet near, continued still upon his first Guard, owning no Orders at all; but alledged the cause of his stay to be a little Indisposition, which he expected should soon pass; and returned the Dutchess his Duty and humble Thanks for the honour of her Civilities.

About a Week after this, another new Express came out of *England*, countermanding again the last Directions, and assuring the sudden Arrival of Monsieur d' *Angeao*, who was to use the uttermost Power of the King of *France's* Mediation, in demand of the Princess's Daughter, and no other. Whereof if at last they should come to fail, the Earl was then commanded to return to *Paris* without any farther Delay.

Accordingly about a Week after the Marquess of *Angeao* came, and the Morning of his Arrival, hastened to Visit and Complement the Earl at his Lodgings, acquainting him that his Commission was to assist him in his Negotiation, with all the Offices of *France*; which he would improve with his best Industry



Industry. This Marquess was a Man of good Appearance, very Cunning, and bred to all the Arts and Confidence of Courts. It was soon concerted between them, that this Envoy should go first to *Modena*, having had some Acquaintance with that Dutches, when as one of the Cardinal's Nieces she remained in *France*; and there try the Power of his Reasons and Persuasions, to which if the Dutches proved inflexible, the Earl from the knowledge thereof, might return without either exposing himself or his Character; and if he did succeed, it would make way for his Lordship to declare his Pretences, to assure his Character, and be received into that Court with the Honour and Respect due to his Dignity and Business.

The Marquess departed next Morning, and with such Dexterity, did demonstrate to the Princesses of that House their true Interest, both in constantly deserving the Protection of the King his Master and the Alliance of *England*, that all the Court and Council became desirous of it, except a cunning Jesuit that was Confessor to the Dutches, and indeed her chief Minister, one Father *Garimbert*, that was a Subject born of the Duke of *Parma*, and always much influenced by that Family. This *Garimbert*, whether it were that he desired to make the Match with the other Princess, who was Daughter to a Lady of the House of *Parma*; or else that he was engaged (as some did suspect) to cross this Match at the serious Desire of that Family, who thought so Royal an Alliance would advance a neighbour Prince in Honour and Power, above that Ballance whereunto they wished it should be kept unto their own, *Italian* Princes being not only very Jealous and Emulous of their Neighbours, but Subtil too; he did all he could to make averse unto it, both the Dutches and the Princess her self.

But the reason of the thing was so strong in it self, as at last it did over-rule the Dutches, and all that were concerned in her Service and Councils. The Marquess of *Angeao* wrote then to the Earl, how all Difficulties being overcome, he might now take off the Mask and advance to *Modena*, where his Addresses would be received; and the Dutches wrote to him also to the same effect, with all the respectful Invitation that was suitable. They declared, there remained now only one Difficulty, which was in obtaining a Dispensation from the Pope, for Celebration of a Marriage with a Catholick Princess, to a Prince not declared of the same Religion; of which notwithstanding they did not seem to doubt. But the Earl not knowing the Delays, or even the Rupture that might proceed from this Pretence, refused to appear publicly in that Court, till that Difficulty were overcome; but consented to come privately thither, where he might incognito See and converse with the Princesses and  
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their Ministers: The Abbot of *Angeao*, Brother to the Marquess, being gone to *Rome* to negotiate the Dispensation with the Pope, and the Cardinal Nephew in the mean time.

His Lordship advanced then privately to *Modena*, and about a Mile out of Town was met by *Nardi* the under Secretary with a Coach and six Horses, into which the Earl being received, he was carried into the City, and set down at the Pallace of ——— who was Brother to the Bishop of *Modena*, of which he was put in possession in the Name of the Dutchess, there to remain 'till his Lordship should think fit to appear in publick, and assume his Character.

The Earl did expect to have had a House, where he might have lived at his own expence, and under the Care and Government of his proper Officers; but he found there several Apartments all nobly furnished, for himself and the rest of his Followers, according to the quality of every Man; and each Office full of the Dutchess's Servants, with Provisions suitable for keeping a Noble House; and at the time of Supper, there was a Table for himself, another for his Steward and superior Attendance, with a third for Liverymen and others, all nobly provided with that plenty and magnificence, as at first did not please his Lordship, seeming contrary to his Intentions of being private, and giving cause of Discourse to Men, of a proceeding that was not ordinary.

The Earl told *Nardi*, that this was contrary to what he desired; but he replied, That tho the Dutchess, in publick, at his Lordship's Instance, omitted the paying the respects that were due to him, yet she was not tyed from shewing him her own way, in all the Accommodations that were necessary to his living and subsistence, wherein he would have found it difficult, his Servants being Strangers, and wanting the advantage of the Language.

In the mean time, the Abbot was at work in his Negotiation at *Rome*, to procure a Dispensation: The Earl was received *incognito* to the sight and Conversation of the Princess; he was led thither by *Nardi* alone, who fetched him up to the Pallace in a private Coach, and by a back-way led him into an Apartment, where he found the Dutchess standing with her Back to a Table, whom he approached with the respect that was due to a Sovereign Princess in her own House; she received him likewise with much courtesie, and Chairs being set, the Earl began to expose the true Cause of his coming, and how he was surprized to find a difficulty in a thing the World judged to be so advantageous to all the Parties: The Dutchess did seem to excuse her self much, upon the aversion her Daughter had to a married Life, and the great desire she had to be religious: She said likewise

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likewise, that the Princess was young, and of a Constitution not very strong; and that besides, the *Italian* Princes depending much upon the Reputation of Zeal for the Catholick Religion, there would be difficulty in obtaining a Dispensation for an Alliance, with a Prince, tho never so great, that was not declared of the same Church, let the Opinion of his Faith be what it would: To every particular of these, his Excellency answer'd what he thought proper, and so as her Highness confessed to have appeased the greatest difficulties of her own Thoughts; and so much, that if the Abbot's Negotiation in obtaining the Dispensation did prove successful, she knew not but that they might proceed to an happy conclusion. This first Conversation ended with the Earl's desire, of being favour'd with a sight of the young Princess, whose possession he had so long thought necessary for his Master's Happiness, and the Dutchess having promised it for the succeeding Evening: So he retired home in the same manner and way as he arrived.

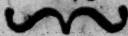
But now from *Rome* there was Advice, by the Abbot of *Angeao*, of great Difficulties that arose in the consultation of this Affair. The *French* Ambassador, the Duke d'*Estree*, favoured the Marriage with all the Power of the *French* Faction; so did the Cardinal *Barbarin*, and the other Friends and Allies of the House of *Este*; but the Pope himself was very averse, and Cardinal *Athieri*, who was the governing Nephew, a profest and violent Opposer.

Various Pretences were already for excuse of this Obstinacy, but the true Cause was the Jealousy of the See of *Rome*, concerning any increase of greatness to the House of *Este*; and so considerable a part of its State and Riches resting upon the violent Usurpation of the Dutchy of *Ferrara*, and other Lands belonging to those Princes; so as the set Interest of Religion apart, the Popes and their Nephews do consider this Family as the least their Friend of any other in *Italy*: And do believe if the Alliance to any Royal or Potent Houses, should by their Support, offer them a fair occasion of recovering their Dominions, they might be induced to use other means than *Lacrymæ & Preces* to recover their own, even from the Successor of *St. Peter*.

It seemed time then to press on this Affair to a Conclusion, wherefore the Earl, against that Night, did desire again that he might see the Princess, to which purpose, he was, at the time appointed, conducted up to the Pallace, as he was before, and found the Princess with her Mother. He did approach her with the Respects he thought due to his future Mistress, and having made the Complements that were proper, he asked her pardon, if he was made an Instrument to discompose her Quiet, and in part to cross her Inclinations; but he thought before, from the sight of her



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Picture, and was now much more confirmed in the Opinion, by the view of her self, that it was the only way to make happy a Prince whose Love and Application, when she came to know him, would be well able to make her amends for what she might now in some measure esteem a Sufferance.

She Answer'd with a little fierceness, that she was oblig'd to the King of *England* and the Duke for their good Opinion; but she could not but wonder, why from so many Princesses of more Merit, who would esteem that Honour, and be ready to embrace it, they should persist to endeavour to force the Inclinations of another, for whom it was impossible to agree to a Proposition of that nature; and that had vowed her self, as much as was in her Power, to another sort of Life, out of which she could never think she should be happy. She desired his Excellency, and even as he thought, with Tears in her Eyes, that if he had Interest in his Masters, he would oblige her, by endeavouring yet to divert any further Persecution of a Maid, who had an invincible aversion for Marriage: There were Princesses enough, she said, in *Italy*, and even in that House, that would not be unworthy so great an Honour, and that from the Esteem they might have thereof, would deserve it much better than she could.

The Earl began to be a little concern'd at Expressions he thought something too earnest, in opposition of what he desired: He told her then, he begged her pardon, if he could not obey her; he might have been induc'd to it before he saw her, but it was now impossible. He could not believe, from what he did perceive of her, that she was made for other end than to give Princes to the World, which should honour it with Characters of high Vertue and Merit; that his Country had need of such, and he would now hazard the offending her, by persisting in his demand; since if he did incur her Indignation, he was sure at last, she would not own it, because it would prove to be, for making her one of the happiest Princesses in *Europe*.

The Princess *Mary of Este* appear'd at this time, to be about fourteen Years of Age, she was tall and admirably shaped, her Complexion was of the last fairness, her Hair as black as Jet, so were her Eye-brows and her Eyes, but the latter so full of light and sweetness, as that they did dazzle and charm too: There seem'd given unto them from Nature, Sovereign Power, Power to kill and Power to save; and in the whole turn of her Face, which was the most graceful that could be framed, there was all the Features, all the Beauty, and all that could be great and Charming in any Humane Creature.

This Princess seem'd unsatisfied for all he could say, and  
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of the Earl's persistence, but said no more, and retired with the Dutchess after the end of the Conversation. The next Day his Excellency complained to *Nardi*, of her Highness's proceeding, expressing dissatisfaction, that having been kept in hand, on pretence of the Abbot *Angeao's* negotiation for the Dispense, he found now a greater Difficulty would arise when that was done, which was obtaining a consent from the Princess, to which, so lately, she did express so much aversion: He told him, he should not find that strange, nor be concerned, since the Ladies of *Italy*, when it came to be in earnest, were to have no Will but that of their Friends, and the Mother satisfy'd, she would be soon brought to a more dutiful matter, if she thought fit. The Earl then began to declare, that time drew on, and the meeting of the Parliament came near, to which he was much circumscribed in his Affairs, and he was obliged to come to a sudden Conclusion or depart.

Upon notice whereof, the Dutchess sent him notice next day; of greater hopes of the young Princess's Concurrence, whom, she said, had been pressed by the Duke her Brother, and all her Friends, so as upon the Arrival of the Dispense, she hoped he should be satisfy'd: In the mean time, the Treaty did proceed about the Portion, which was to be fourscore Thousand Pounds, to be paid at several times according to Agreements; with Conditions of Joynture, Maintenance, and other matters; and upon these things, there was not any Disagreements.

But now at last came the Abbot of *Angeao*, without the Dispensation, which he could not by any means obtain, by reason Cardinal *Altieri* was inflexible, and Threats of Excommunication were to be issued to any who should undertake to perform or celebrate that Marriage. Hereupon they were all upon the Fears and Expectations of a total Rupture. The Dutchess her self, a zealous, if not a bigot Woman, was in great Pain about the part that might seem offensive to the Pope, or neglective of his Authority; and the Princess took occasion from hence, to support her unwillingness: But in truth, Cardinal *Barberini*, on whom the Dutchess had great dependance, and the other Adherents and Relations of the House of *Este*, being every day more and more possessed of the Interests they were like to find in this Alliance, were scandaliz'd at the unreasonable Obstinacy of the Pope and his Nephew, and did frankly advise the Dutchess of *Modena*, suddenly to make up and perfect the Marriage; the Peace and excuse of the thing being easier to be had after it was done, than any present License to be had for doing it.

The Bishop of *Modena* was then applyed to for the performance, but he refusing, a poor English *Jacobine* was found

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found, Brother to *Ferom White*, that afterwards served the Dutchess, who having nothing to lose, and on whom the terror of Excommunication did not so much prevail, did undertake it.

The Princess then at last gave her self up to the Will of her Friends, and his Excellency had liberty to visit her Highness in her own Apartment. The Earl, instead of making a publick Entry, which the little preparation he had made, by reason of his being *incognito*, would not well admit, was, notwithstanding, in the noblest manner that Place was capable of, brought to his Audience of the Dutchess Regent, and the young Duke her Son, who was but twelve Years old, by the Prince *Renaldo* of *Este*, the young Duke's Uncle, and all that were great and considerable in that Court; and indeed, the Ceremony, Attendants, State, Guards and other Appurtenances, were in that Order and Magnificence, as might have become a Prince of far greater Revenue and Territories, and herein all the marks of Sovereignty did appear, which are usual with Princes who are independant but of God: He delivered the King his Master's Letter to their Highnesses, in the usual Form, and after having made a Speech suitable to the occasion, retired as he came, only instead of being conducted home, he was led into a very noble Apartment, which was designed now to entertain his Excellency, in quality of Ambassador Extraordinary, all the time he would have occasion to stay in *Modena*, and therein indeed with great plenty and magnificence, he was served in all necessary kinds, at the Expence of that generous Princess.

But now other things being concluded, and the Earl pressing his departure, the Day for the Marriage was assigned, being the — of *September*; against which, the Earl had betimes prepared himself in Habit and Equipage suitable to the occasion, and about Eleven a Clock he was fetched at his Lodging by the Duke, accompanied by his Uncle the Prince *Renaldo*, and all the principal Cavaliers of the Court, and conducted to a Chamber near the Chappel, where he reposed himself till so much of the Service was done, as seemed obnoxious to the Religion he did profess; after which he was led to the Chappel, where the Princess expected him, and there between them was performed the Ceremony designed for a perpetual Marriage between that Princess, and the Duke his Master. After which, he lead her by the hand to her Apartment, and there taking his leave, went to repose himself, till he was fetched to accompany these Princes at the Dinner.

That did succeed about one of the Clock, and as to the Ceremony of it, it was performed at a long Table, over the upper end whereof, was a rich Cloth of State, under which



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in representation of a Bridegroom, the Earl sat with the Princess, the Duke, Dutchess, and other Princes of that House, sitting on either side, according to their Degrees.

The Dinner was served with all the care and Curiosity that was possible for any thing of that nature to be contrived: What the Sea could afford (tho it was not near) and what the Rivers and the Lakes afforded was there, and what the Land could produce, or the Air of *Italy*, was not wanting, and all this was made more excellent, by the Courtesy and good Humour of the Princess: But it ended at last, and all arose in order to a greater Liberty for Conversation: They had also a Conclusion for that time too, and the Company for their Repose, returned every one to their Apartment; and to his Excellencies, he was conducted after the same Ceremony as he was brought to Dinner.

To the Honour of the Night, was dedicated Dancing and a Ball, whereunto all the Beauties of the Court did resort. It was performed with the Order and Ornaments suitable to the other parts of the Entertainment, being much to the satisfaction and esteem of all the Strangers that did see it.

The next day, in a very formal Cavalcade, the Duke and his Excellency rode to the Cathedral, where a solemn Service and *Te Deum* was sung, in Honour of the Accomplishing of this Marriage: And two or three Days after, more were spent in triumphal Shows, and other Testimonies of publick rejoicing. After all which, the time of undertaking the departure being come, the Dutchess Mother would by all means accompany her Daughter into *England*, and she could not be diverted by any means, altho it prov'd chargeable to her, and of ill consequence to her Concerns in that Government; Passes were obtained from the Kings of *France* and *Spain*, and the *Italian* Princes, through whose Territories her Royal Highness was to pass, to travel *incognito*; but with Orders to provide any Accommodations that should be necessary for her Service.

She began then this Voyage the — of *September*, in 1673, accompanied by the Dutchess Regent, the Duke her Brother, his Excellency and the Prince *Renaldo* of *Este*, with whatever was Noble and considerable amongst their own Subjects, as many other Men of Quality who made their Court to those Princes upon different Obligations, and a very Princely Corteggio it was that went with them out of *Modena*. Monsieur d'*Angeao* and his Brother, had gone some Days before to *Milan*, and did not re-joyn the cels till they came into *Fiedmont*.

After two Days the young Duke was perswaded to take leave of his Sister, but he did it with all that Repugnancy of which an excellent nature could be capable, having been ever bred together with that reciprocal kindnes, which near-

ness and Merit could beget: But the Princess was very near being dissolved in Tears; she left her loving and hopeful Brother, her happy and delicious Country, with the kind Companions of her Youth, among whom she had been bred, and all these perhaps for ever; for Youth and Innocence permitted her not to know whether it was she was to go, to what kind of Port, nor among whom; so compassion was to be allowed to her Tears, as well as her Inclinations; and it was enough they could procure her to proceed, and to be comforted.

Having passed then through her own Country, through the *Parmesan*, and part of the *Milaneſe*, she came at last into *Piedmont*, where the Princesses were almost, as it had been by Spirits, for several Days, invisibly lodged and provided for after a most magnificent manner, but ever at the Expence of that generous Duke, 'till they came out of his Territories, where they were met by Officers of the *French King*, who did accompany and defray them into the City of *Paris*, bringing them to lodge at the *Arsenal*, where his Excellency was provided for, and had a noble Table kept for his own particular use, at the same King's Expence, all the time of his Residence there.

The necessity of their Repair into *England*, now drew near, but her Royal Highness here fell sick, and her Disease, for all the power and diligence of Medicines, hung so upon her, that for some Weeks, they were not able to think of their remove; and when her strength was again returned, the *French King*, for all her desire of being *incognito*, would not be persuaded from personally paying her his Complements, and those respects which a general Reputation did declare were due to her Royal Qualities.

He made her then a visit in the Forms, under all the State to himself, and with all the Consideration to her that could be possible: This drew on a necessity of a Visit from her Highness to the Queen, and indeed she was received at *Verſailles*, by their Majesties, with all imaginable Circumstances of Honour and Consideration; and there entertained with that Royal profession and magnificence, accustomed from that great Monarch, towards such Guests and on such Occasions: The Queen of *France* returned the Visit to her Royal Highness; and this afterwards drew on the Considerations of receiving and giving Visits to other great Princesses of the Royal House, wherein was much circumspection to be had about Punctilio's and Formalities: But being in the *French King's* House, the Marriage made upon his Account, and his favour continually employ'd on all Concerned in that Affair, it was thought but a just and necessary return, to give unto those of his Royal Blood, what respects could be paid without lessening the Dutches of *York*, or practising

Practising any under condescensions; Mediums were then found, and Expedients for all pretences; Visits were made by *Madamoiselle, Madamoiselle de Montpesier*, and *Madam de Guise*, and repaid to them again; after which, and the receipt of very Royal Presents from the King, her Royal Highness began her Journey from *Paris*, on the — of *October*, and was defrayed by the King's Officers, till she came on Board the King of *England's* Yatch, which attended her at *Calais*; in all the Provinces and Towns she passed, she was met and received by the Governours and Magistrates, as if she had been Queen of *France*.

To *Calais* she came at last, and there in company of her Mother, her Uncle, and all that came with her out of *Italy*, embarked in the *Katherine* Yatch, whence in a few Hours they arrived at *Dover*, upon the Sands whereof, the Duke her Husband did attend her; and upon her landing, she took possession of his Heart, as well as of his Arms; and was thence conducted by him to her Lodging. After she had reposed her self, his Royal Highness (that had provided so to confirm this Matter, as my Lord expresses it, that the Malice of any Age to come, should have no pretence to call it in questiond, led out his Dutcheß into the great Room before his Bed-Chamber, and there in presence of all the Lords, who attended him from *London*, of all the Country Gentlemen who were come to see him, and what it could contain of the Citizens of *Dover*, he Married again his Wife, after the Form of the Church of *England*, by the Hands of *Dr. Nathaniel Crew*, at this time Bishop of *Durham*, after which, and that they had supped together, they were lawfully put to Bed, for the final Consummation of this Undertaking.

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*The Duke of York's Letter to F. La Chaife.*

THE Second of *June* last past, his most Christian Majesty offerred me most generously his Friendship, and the use of his Purse to assist against the Designs of my Enemies and his, and protested unto me, that his Interest and mine were so clearly linked together, that those that opposed the one, should be looked upon as Enemies to the other; and told me moreover, his Opinion of my Lord *Arlington* and the Parliament, which is, *That he is of Opinion, that neither the one nor the other is in his Interest or mine.* And thereupon he desires me to make such Propositions as I should think fit in this Conjunction.

All was transacted by the means of Father *Ferriers*, who made use of Sir *William Frogmorton*, who is an honest Man, and



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and of Truth, who was then at *Paris*, and hath held Correspondence with *Coleman*, one of my Family, in whom I have great Confidence. I was much satisfied to see his most Christian Majesty altogether of my Opinion, so I made him answer the 29th of *June*, by the same means he had made use of to write to me, that is, by *Coleman* who address'd himself to Father *Ferriers* (by the forementioned Knight) and entirely agreed with his most Christian Majesty, as well to what had respect to the Union of our Interests, as the usefulness of my Lord *Arlington* and the Parliament, in order to the Service of the King my Brother and his most Christian Majesty; and that it was necessary to make use of our joyn't and utmost Credits to prevent the Success of those evil Designs, resolv'd on by the Lord *Arlington* and the Parliament, against his most Christian Majesty and my self; which of my side I promise really to perform, of which since that time, I have given reasonable good Proof.

Moreover I have made some Proposals, which I thought necessary to bring to pass what we were obliged to undertake, assuring him that nothing could so firmly establish our Interest with the King my Brother, as that very same offer of the help of his Purse; by which means I had much reason to hope, I should be enabled to persuade to the dissolving of the Parliament, and to make void the Designs of my Lord *Arlington*, who works incessantly to advance the Interest of the Prince of *Orange* and the *Hollanders*, and to lessen that of the King your Master; notwithstanding all the Protestations he hath made to this hour, to render him Service.

But as that which was proposed was at a stand, by reason of the Sicknes of Father *Ferriers*, so our Affairs succeeded not according to our Designs; only Father *Ferriers* wrote to me the 15th of the last Month, That he had communicated those Propositions to his most Christian Majesty, and that they had been very well liked of, but as they contained things that had regard to the Catholick Religion, and to the offer and use of his Purse, he gave me to understand he did not desire I should treat with Monsieur *Ruvigni* upon the first, but as to the last. And at the same time acquainted me, That Monsieur *Ruvigni* had Order to grant me whatever the Conjunction of our Affair did require. And I have expected the Effects of it to this very Hour, but nothing hath been done in it; and seeing on the other hand, that my Lord *Arlington* and several others, endeavour'd by a thousand Deceits to break the good Intelligence, which is between the King my Brother, his most Christian Majesty and my self, to the end they might deceive us all three. I have thought fit to advertise you of all that is past, and desire of you your Assistance and Friendship, to prevent the Rogueries of those who have no other design than to betray the Concerns of *France* and *England* also; and

and who for their pretended Service, are the occasion they succeed not.

As to any thing more, I refer you to Sir *William Froghmorton* and *Coleman*, who I have commanded to give an Account of the whole State of our Affairs, and of the true Condition of *England*, with many others; and principally my Lord *Arlington's* Endeavours to represent it to you quite otherwise than it is.

The two first I mentioned to you, are firm to my Interest, so that you may treat with them without any Apprehension.

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### Reasons for the Indictment of the Duke of York.

*Presented to the Grand Jury of Middlesex, Saturday June 26. 1680. By the Persons hereunder Named.*

I. **B**ecause the 25th *Car. 2.* When an Act was made to throw Popish Recusants out of all Offices and Places of Trust, the Duke of *York* did lay down several great Offices and Places (as Lord High Admiral of *England*, Generalissimo of all his Majesty's Forces both by Land and Sea, Governor of the *Cinque-Ports*, and divers others) thereby to avoid the Punishment of that Law against Papists.

II. Thirtieth *Car. 2.* When an Act was made to disable Papists from Sitting in either House of Parliament, there was a Proviso inserted in that Act, that it should not extend to the Duke of *York*, on purpose to save his Right of Sitting in the Lord's House, tho' he refuses to take those Oaths which Protestant Peers ought to do.

III. That his Majesty in his Speech *March 6th.* the 31st. of his Reign, doth give for a Reason to the Parliament, why he sent his Brother out of *England*, because he would leave no Man Room to say, that he had not removed all Cause which might influence him to Popish Councils.

IV. That there have been divers Letters read in both Houses of Parliament, and at the secret Committees of both Houses, from several Cardinals and others at *Rome*; and also from other Popish Bishops and Agents of the Pope, and other foreign Parts, which do apparently shew the great Correspondencies between the Duke of *York* and the Pope: And how the Pope could not choose but Weep for Joy at the Reading some of the Duke's Letters: And what great Satisfaction

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tisfaction it was to the Pope, to hear that the Duke was advanced to the Catholick Religion: That the Pope has granted Breves to the Duke, sent him Beads, ample Indulgences with much more to this purpose.

V. That the whole House of Commons hath declared him to be a Papist in their Votes. *Sunday April 6th, 1679. Resolved, Nemine Contradicente, by the Lords Spiritual and Temporal and Commons in Parliament assembled, That they do declare That they are fully satisfied by the Proofs they have heard, there is now and for divers Years last past, hath been a horrid and treasonable Plot and Conspiracy contrived and carryed on by those of the Popish Religion, for the Murdering of his Majesties sacred Person, and for subverting the Protestant Religion, and the ancient Well-established Government of this Realm.*

VI. That besides all this Proof and much more to this purpose, it is most Notorious and Evident, he hath for many Years absented himself from Protestant Churches during Religious Worship.

These are the Reasons why we believe the Duke of York to be a Papist.

*Huntington.*

*Shaftsbury.*

*Grey of Wark.*

*Lord Russel.*

*Lord Cavendish.*

*Lord Brandon.*

*Sir Edward Hungerford,*

*Kt. of the Bath.*

*Sir Henry Calverley.*

*Tho. Thyn, Esq;*

*William Forrester, Esq;*

*John Trenchard, Esq;*

*Tho. Wharton, Esq;*

*Sir William Cooper, Bar.*

*Sir Gilbert Gerrard, Bar.*

*Sir Scroop How.*

The Jury was sent for up by the Court of King's-Bench whilst they were on this Indictment, and dismissed, so that nothing was farther done in it, saving that the Jury received the Presentment. And by the dismissal of the Jury, a very great number of the Indictments were discharged; a thing scarcely to be parallel'd, and of very ill consequence, not only to many private Persons but chiefly to the Publick.

*The Heads of the Expedients proposed by the Court-Party to the Parliament at Oxford, in lieu of the Bill for Excluding the Duke of York.*

I. **T**HAT the Duke be Banished during his Life, five hundred Miles from England, Scotland and Ireland, and the Dominions and Territories to them belonging.

II. That





II. That the whole Government both Ecclesiastical and Civil, shall upon the demise of the King, be vested in a Regent, for such time as the Duke of York shall survive.

III. That the Regent be the Princess of Orange, and in case of her Decease without Issue, or with Issue in Minority, then the Lady Anne.

IV. That if the Duke have a Son educated a Protestant, then the said Princesses respectively shall succeed in the Regency, during the Minority of such Son and no longer; which obviates an incurable Absurdity in the former Bill of Exclusion.

V. That the Regent nominate the Privy-Council, and they to be, or not to be approved in Parliament, as shall be judged safest, upon directing the drawing up of the intended Act.

VI. That notwithstanding these Kingdoms (out of Respect to the Royal Family and Monarchy it self) may be Governed by the said Regent in the Name and Stile of James II. &c. Yet it shall by this intended Act, be made Capital for any to take up Arms on his behalf, or by a Commission not Signed by the said Regent, or not granted by Lawful Authority derived from and under such Regent; or to maintain an Opinion that the retaining the said Name and Stile, shall in this case purge the Disabilities imposed by this Act, or elude the force thereof.

VII. That Commissioners be forthwith sent to the Prince and Princess of Orange, to take their Oaths, that they will take upon them the Execution of this Act, and that their Oaths be here Recorded.

VIII. That Officers Civil and Military, forthwith take the Oaths to observe this Act, and so all others from time to time as in the Act for the Test.

IX. That his Majesty would graciously declare to call a Parliament in Scotland, in order to the passing the like Act there, and recommend the same, and the like to be done in Ireland if thought fit.

X. That in case the said Duke shall come into any of these Kingdoms, then he shall be *ipso Facto*, totally Excluded, and shall suffer as in the Bill of Exclusion; and the Sovereignty shall forthwith be intirely vested in the Regent, upon such his coming into any of these Kingdoms.

XI. That all considerable Papists be Banished by Name.

XII. That their fraudulent Conveyances be defeated.

XIII. That their Children be Educated in the Protestant Religion.

By these Means these three Kingdoms will be United in Defence of the Protestant Religion, his Majesties Person and Government, and a sure Foundation laid of an effectual League

League

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*The following Address was industriously procured from the Middle-Temple to King James, towards the beginning of his Reign; being said to have been Penned by Sir Bartholomew Shower, and was Presented by Sir Humphrey Mackworth.*

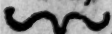
*Most dread Sovereign.*

*Address  
from the  
Middle-  
Temple.  
1685*

WE your Majesties most loyal Subjects, with all Humility, Congratulate the legal and peaceable Descent of this imperial Crown upon your Majesty, the only Remedy for our unspeakable Sorrow, for the Death of our most gracious Sovereign of ever glorious and blessed Memory — Your Majesties unparallel'd Justice, Courage and Conduct (signalized to the World before they became Ornaments to the Crown) give a perfect Assurance of Happiness to these Nations under your Government. We cannot therefore but with deepest Sense of Gratitude, acknowledge your Majesties great Goodness and Condescension in your late Declaration, and in particular, that your Majesty has been graciously pleased in pursuance of the same, to extend your Royal Care of the Government to the Preservation of the Customs; the Intermiſſion whereof would not only have disabled your Majesty to maintain the Navy in defence of the Realm, but by taking away the Ballance of Trade, have ruined thousands of your Majesties Subjects that paid Custom in the Life of our late Sovereign; and by an excessive Exportation and Importation Custom free, have rendred that Branch of the Revenue unprofitable for some Years to come, notwithstanding all the Care and Loyalty of the succeeding Parliament. For which reason the same have been continually received by your Royal Predecessors for some hundred of Years, and never questioned by any Parliament, unless in that wherein were sown the Seeds of Rebellion against the glorious Martyr, your Royal Father of ever blessed Memory.

'Tis a received Maxim of the Common Law, *Theſaurus Regis est vinculum Pacis & Bellorum Nervus*: Such is the happy Constitution of this Monarchy, that your Majesty's high Prerogative is the greatest Security of the Liberty and Property of the Subject; so that whoever would impair the Revenue of the Crown, must by this fundamental Maxim (as binding as *magna Charta*) be esteemed an Enemy to the Peace and Welfare of the Kingdom. We

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We therefore think it our indispenfible Duty, to endeavour the choice of fuch Representatives for the refpective Counties and Boroughs to which we belong, as may not only concur in fettling a Revenue to fupport the Government, as formerly, but alfo fhew a grateful Sence of the great things you have done and fuffered for us already, an entire Confidence in your Majefty's Goodnefs towards us for the future, and a chearful compliance with your Heroick Inclinations to advance the Honour and Interelt of thefe Nations: May there never be wanting Millions as Loyal as we are to facrifice their Lives and Fortunes in defence of your Sacred Perfon and *Prerogative in its full Extent*; and inceffantly pray the King of Kings, to grant your Majefty a long and happy Reign over us.

*A Treaty of Alliance renewed between James 2. King of Great Britain, and the States General of the United Provinces of the Low Countries, made at Windfor, August the 17th. 1685.*

THE High and Mighty Lords the States General of United Provinces of the Low-Countries, having given us to underftand, that they design'd the Continuance and Confirmation of all the Treaties that had been Concluded from time to time, and of which, particular mention fhall be made hereafter, between the moft Serene and moft potent Prince and Lord, *Charles the 2d. King of Great Britain*, of glorious Memory, and the faid Lords the *States General*; and which ftill continues as well for the peace and a good Underftanding between the Crown of *Great Britain* and the *States General*, as for the Freedom, Communication and Security of Commerce between their Subjects; and that for this end, they have deputed for their Ambassadors Extraordinary, *Jacob Baron of Waffenaer*, Lord of *Duyvenworde, Voorschooten, Veur, &c. Arnold do Citters*, formerly Counfellor in the Sovereign Court of *Holland, Zealand, and Weft Frizeland*, and Embaffador Extraordinary from the faid Lords, the *States General*, to the moft Serene King of *Great Britain*, and *Everard de Wede*, Lord of *Dyckvelt, Rateles, &c.* whom they have constituted their Commiffioners and Deputies for this purpofe, and furnifhed with full Powers for the future.

*Treaty between King James and the States. 1685.*

The moft Serene and moft Potent Prince, *James 2.* by the Grace of God, King of *Great Britain, France and Ireland*, Defender of the Faith, being poffeffed with the like defire of continuing the Antient Amity between the faid two Nations,



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Nations, to observe, and even to increase it by certain Conditions and Agreements that are profitable to them both hath on his part nominated Commissioners, and furnished them with the like full Powers, viz. his dear and faithful Cousin and Counsellor, *Laurence Earl of Rochester*, Lord High Treasurer of *England*, *George*, Marquess of *Hallifax*, President of the Council; *Robert*, Earl of *Sunderland*, one of the Principal Secretaries of State; and *Charles*, Earl of *Middleton*, the other Principal Secretary of State: And the said Commissioners and Deputies as well on the part of the most Serene Prince, *James 2.* King of *Great Britain*, as on the part of the Lords the *States General*, having met divers times, and argued the matter, according to the full Power they had on either part, and were inserted at the End of the Treaty: They have Agreed and Concluded That all and singular the Treaties here specified and named, viz.

I. The Treaty of Peace and Alliance concluded July 31. 1667.

II. The Treaty of Navigation and Commerce concluded the same time.

III. The Treaty of Peace and Friendship concluded at *Westminster* the 14th. of *February*. 1674.

IV. The Marine Treaty concluded at *London*, *December* the 1st. 1674. With the Declaration, by which certain Articles of the said Treaty, as well as the Marine Treaty made *February* 24. 1667. are fully explain'd, made at the *Hague*, *December* the 30. 1675.

V. The Article to prevent, and amicably to adjust the Differences that arise between the *East-India* Company of each Nation, concluded at *London*, *March* 13, 1673.

VI. The Defensive Alliance concluded at *London* *March* 13. 1673.

And that all and every Article contained in the said Treaties, and in each Treaty, shall continue for ever, be confirmed, and remain in force in the same Sense, and for the End for which they were concluded, and made in the first place; and shall for the future have the same Vigour and Force as they had before, or ought to have, and that in the most ample manner and Form, wherein they have been conceived, and concluded at first, as of each Treaty, or Article

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side of the Treaties were here repeated and specified word for word.

That the said most Serene King of *Great Britain*, and the said High and Mighty Lords, the States General of the United Provinces, will sincerely and faithfully observe all and singular the Articles contained in all and every of the Treaties, above specified and named, and will cause them to be observed by their Subjects and Inhabitants; and will neither directly nor indirectly contravene the same, nor suffer them to be violated by their Subjects, or Inhabitants; that they will ratify and confirm the Renovation of all and singular the said Treaties, concluded by the Commissioners and Deputies on each part; and that by Patents subscribed with their own Hands, and sealed with the Great Seal, conceived and drawn up in a firm and efficacious Form, the which shall be reciprocally exchanged within four Weeks after the Date of these Presents, or sooner if possible; and this really, sincerely, and effectually. Done at the Castle of *Windfor*, August 17. 1685.

(L. S.) *Rocheſter.*(L. S.) *Baron de Waſſenaer;*(L. S.) *Haliſfax.**Duyvenvoede.*(L. S.) *Sunderland.*(L. S.) *Arnaut van Citters.*(L. S.) *Middleton.*(L. S.) *De Weede.*

One Mr. *Stewart*, whom King *James* had pardoned, and received into favour after a long Banishment, pretending to be intimate with Mr. *Fagel*, at the King's desire, wrote to him several times, concerning the Sentiments of the Prince and Princess of *Orange*, about the repealing the Penal Laws and Test, to whom the Pensionary, at length, sent the following Answer.

A Letter writ by Myn Heer *Fagel*, Pensionary of Holland, to Mr. *James Stewart*, Advocate, giving an Account of the Prince and Princess of *Orange's* Thoughts concerning the Repeal of the Test and Penal-Laws.

S I R,

Am extream sorry, That my ill Health hath so long hindered me from Answering those Letters, in which you so earnestly desire to know of me, what their Highnesses Thoughts are concerning the Repeal of the Penal Laws, and more particularly of that concerning the Test: I beg you to assure your self, That I will deal very plainly with you

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you in this matter, and without reserve; since you say that your Letters were writ by the King's Knowledge and Allowance. I must then first of all assure you positively, that their Highnesses have often declared, as they did more particularly to the Marquess of *Albeville*, his Majesty's Envoy Extraordinary to the States. That it is their Opinion, That no Christian ought to be persecuted for his Conscience, or be ill used because he differs from the publick and Established Religion: And therefore they can consent, That the Papists in *England*, *Scotland*, and *Ireland*, be suffered to continue in their Religion, with as much Liberty as is allowed them in these Provinces; in which it cannot be denyed, that they enjoy a full Liberty of Conscience. And as for the Dissenters, Their Highnesses do not only consent, but do heartily approve of their having an entire Liberty, for the full exercise of their Religion, without any trouble or hindrance; so that none may be able to give them the least disturbance upon that Account.

And their Highnesses are very ready, in case his Majesty shall think fit to desire it, to declare their willingness in the settling and confirming this Liberty; and as far as it lies in them, they will protect and defend it; and according to the Language of Treaties, they will Confirm it with their Guarantee, of which you made mention in yours.

And if his Majesty shall think fit further to desire their Concurrence in the repealing the *Penal Laws*, they are ready to give it: *Provided always that those Laws shall remain always in their full vigour, by which the Roman Catholicks are shut out of both Houses of Parliament, and out of all publick Employments, Ecclesiastical, Civil and Military.* As likewise all those other Laws, which confirm the Protestant Religion, and which secures it against all the Attempts of the Roman Catholicks.

But their Highnesses cannot agree to the Repeal of the TEST, or of those other Penal Laws last mentioned: That tend to the security of the Protestant Religion, since the Roman Catholicks receive no other Prejudices from these, than the being excluded from Parliaments, or from Publick Employments: And that by them the Protestant Religion is covered from all the Designs of the Roman Catholicks against it, or against the Publick safety; and neither the TEST nor those other Laws can be said to carry in them any severity against the Roman Catholicks upon account of their Consciences; they are only Provisions qualifying them to be Members of Parliament, or to be capable of bearing Office; by which they must declare before God and Men, That they were for the Protestant Religion: So that indeed, all this amounts to no more than a securing the

Protestant



Protestant Religion from any Prejudices that it may receive from the Roman Catholicks.

Their Highnesses have thought, and do still think, That more than this ought not to be asked or expected from them, since by this means the Roman Catholicks and their Posterity, will be for ever secured from all Trouble in their Persons or Estates, or in the exercise of their Religion; and that the Roman Catholicks ought to be satisfied with this, and not to disquiet the Kingdom, because they cannot be admitted to sit in Parliament, or to be in Employments; or because those Laws in which the Security of the Protestant Religion does chiefly consist, are not repealed, by which, they must be put in a condition to overturn it.

Their Highnesses do also believe, That the Dissenters will be fully satisfy'd, when they shall be for ever covered from all danger of being disturbed, or punished for the free exercise of their Religion, upon any sort of Pretence whatsoever.

Their Highnesses having declared themselves so positively in these Matters, it seems very plain to me, That they are far from being any hindrance to the freeing Dissenters from the severity of Penal Laws, since they are ready to use their utmost Endeavour for the establishing of it; nor do they at all press the denying to the Roman Catholicks, the exercise of their Religion, provided it be managed modestly, and without Pomp or Ostentation: As for my own part, I ever was, and still am very much against all those who would persecute any Christian, because he differs from the publick and Established Religion; and I hope, by the Grace of God, to continue still in the same Mind; for since that Light with which Religion illuminates our Minds, is according to my Sense of things, purely an effect of the Mercy of God to us; we ought then, as I think, to render to God all possible thanks for his Goodness to us; and to have pity for those who are still shut up in Error, even as God has pityed us; and to put up most earnest Prayers to God, for bringing those into the way of Truth, who stray from it, and to use all gentle and friendly Methods for reducing them to it.

But, I confess, I could never comprehend how any that profess themselves Christians, and that may enjoy their Religion freely, and without any disturbance, can judge it lawful for them to go about to disturb the quiet of any Kingdom or State; or to overturn Constitutions, that so they themselves may be admitted to Employments; and that those Laws in which the Security and Quiet of the Established Religion consists, should be shaken.

It is plain that the Reformed Religion is by the Grace of God, and by the Laws of the Land, enacted both by King



and Parliament ; the publick and Eſtabliſhed Religion both in *England, Scotland and Ireland* ; and that it is alſo provided by thoſe Laws, that none can be admitted either to a Place in Parliament, or to any publick Employment, except thoſe that do openly declare, that they are of the Proteſtant Religion, and no Roman Catholick ; and it is alſo provided by theſe Laws, that the Proteſtant Religion ſhall be in all times coming, ſecured from the Deſigns of the Roman Catholicks againſt it : In all which I do not ſee, that theſe Laws contain any ſeverity either againſt the Perſons or Eſtates of thoſe who cannot like thoſe Teſts, that are contrary to the Roman Catholick Religion ; all the Inconveniencies that can redound to them from thence, is that their Perſons, their Eſtates, and even the Exerciſe of their Religion being aſſured to them, only they can have no ſhare in the Government, nor in Offices of truſt, as long as their Conſciences do not allow them to take theſe TESTS ; and they are not ſuffered to do any thing that is to the prejudice of the Reformed Religion.

Since, as I have already told you, their Highneſſes are ready to concur with his Majeſty for the Repeal of thoſe Penal Laws, by which Men are made liable to Fines or other Punishments.

So I ſee there remains no difficulty concerning the repealing the Penal Laws, but only this, that ſome would have the Roman Catholicks rendred capable of all publick Truſts and Employments ; and that by conſequence all thoſe ſhould be repealed that have ſecured the Proteſtant Religion againſt the Deſigns of the Roman Catholicks, whereas others at the ſame time, are not leſs earneſt to have thoſe Laws maintained in their full and due vigour ; and think, that the chief Security of the Eſtabliſhed Religion conſiſts in the preſerving of them ſacred and unſhaken.

Its certain, that there is no Kingdom, Commonwealth or any conſtituted Body or Aſſembly whatſoever, in which there are not Laws made for the ſafety thereof, and that provide againſt all Attempts whatſoever, that diſturb the Peace, and that preſcribe the Conditions and Qualifications that they judge neceſſary for all that ſhall bear Employments in that Kingdom, State or Corporation : And no Man can pretend, that there is any Injury done him, that he is not admitted to Employments, when he doth not ſatisfie the Conditions and Qualities required.

Nor can it be denied, That there is a great difference to be obſerved in the Conduſt of thoſe of the Reformed Religion, and of the Roman Catholicks towards one another. The Roman Catholicks not being ſatisfied, to exclude the Reformed from all Places of Profit or of Truſt ; they do ſolutely ſupreſs the whole Exerciſe of that Religion, and perfect

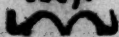
Persecute all that profess it; and this they do in all those places where it is safe and without danger, to carry on that Rigour: And I am sorry that we have at this present so many deplorable Instances of this severity before our Eyes, that is at the same time put in practise in so many different places.

I would therefore gladly see one single good Reason to move a Protestant that fears God, and that is concerned for his Religion, to consent to the Repealing of those Laws that have been Enacted by the Authority of King and Parliament, which have no other tendency but to the security of the Reformed Religion, and to the restraining the Roman Catholicks from a Capacity of overturning it; these Laws inflict neither Fines nor Punishments, and do only exclude the Roman Catholicks from a share in the Government, who by being in Employments, must needs study to increase their Party, and to gain to it more Credit and Power, which by what we see every day, we must conclude, will be extreemly dangerous to the Reformed Religion, and must turn to its great prejudice, since in all places those who are in publick Employments, do naturally favour that Religion of which they are, either more or less: And who would go about to perswade me, or any Man else, to endeavour to move their Highnesses, whom God hath honoured so far as to make them Protectors of his Church, to approve of, or to consent to things so hurtful, both to the Reformed Religion, and to the publick safety? Nor can I, Sir, with your good leave, in any way perceive what you apprehend; that no prejudice will hereby redound to the Reformed Religion.

I know it is commonly said, that the number of the Roman Catholicks in *England* and *Scotland*, is very inconsiderable; and that they are only possessed of a very small number of the places of Trust: Tho' even as to this, the case is quite different in *Ireland*; yet this you must of necessity grant me, that if their Numbers are small, then it is not reasonable that the publick Peace should be disturbed on the account of so few Persons; especially when so great a Favour may be offered to them, as the free exercise of their Religion would be: And if their Numbers are greater, then there is so much the more reason to be afraid of them: I do indeed believe, that Roman Catholicks, as things at present stand, will not be very desirous to be in publick Offices and Employments, nor that they will make any Attempts upon the Reformed Religion, both because this is contrary to Law, and because of the great Inconveniencies that this may bring at some other time, both on their Persons and on their Estates; yet if the restraint of the Law were once taken off, you would see them brought into the



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Government, and the Chief Offices and Places of Trust, put into their Hands: Nor will it be easie to his Majesty to resist them in this, how stedfast soever he may be; for they will certainly press him hard in it, and they will represent this to the King, as a matter in which his Conscience will be concerned, and when they are possessed of the publick Offices, what will be left for the Protestants to do, who will find no more the Support of the Law, and can expect little encouragement from such Magistrates? And on the other hand, the Advantages that the Roman Catholicks would find in being thus let loose from all restraints, are so plain, that it were a loss of time to go about the proving it. I neither can nor will doubt of the sincerity of his Majesty's Intentions, and that he has no other Design before him in this matter, but that all his Subjects may enjoy in all things, the same Rights and Freedom.

But plain Reason as well as Experience of all Ages, the present, as well as the past, shews, that it will be impossible for the Roman Catholicks and Protestants, when they are mixed together in Places of Trust, and publick Employments, to live together peaceably, or to maintain a good Correspondence together. They will be certainly always jealous of one another; for the Principles and Maxims of both Religions are so opposite to one another, that in my Opinion, I do not see how it will be in the power of any Prince or King whatsoever, to keep down those Suspicions and Animosities, which will be apt to arise upon all occasions.

As for that which you apprehend, that the Dissenters shall not be delivered from the Penal Laws, that are made against them, unless at the same time, the TEST be likewise repealed: This will be indeed a great Unhappines to them, but the Roman Catholicks are only to blame for it, who will be rather content that they and their Posterity should lie still under the weight of the Penal Laws, and exposed to the hatred of the whole Nation, than be still restrained from a Capacity of attempting any thing against the Peace and Security of the Protestant Religion, and be deprived of that small Advantage (if it is at all to be reckoned one) of having a share in the Government, and publick Employments; since in all places of the World, this has been always the Privilege of the Religion that is established by Law; and indeed these Attempts of the Roman Catholicks ought to be so much the more suspected and guarded against by Protestants, whether they will or not, dissolve the Security, whch they have for their Religion: And to clear a Way for bringing in the Roman Catholicks to the Government, and

and to publick Employments, in which case there would remain no relief for them, but what were to be expected from a Roman Catholick Government.

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Such then will be very unjust to their Highnesses, who shall blame them for any inconveniency that may arise from thence, since they have declared themselves so freely on this Subject, and that so much to the Advantage even of the Roman Catholicks. And since the settlement of Matters sticks at this single point; that their Highnesses cannot be brought to consent to things that are contrary to Laws already in Being, and that are so dangerous and hurtful to the Protestant Religion, as the admitting of Roman Catholicks to a share in the Government, and to Places of Trust; and the repealing those Laws that can have no other effect but the securing the Protestant Religion from all the Attempts of the Roman Catholick against it would be.

You Write, *That the Roman Catholicks in these Provinces, are not shut out from Employments and Places of Trust:* But in this you are much mistaken, for our Laws are express, excluding them by Name from all share in the Government, and from all Employments either of the Policy or Justice of our Country: It's true, I do not know of any express Law that shuts them out of Military Employments; that had indeed been hard, since in the first formation of our State, they joined with us in defending our publick Liberty, and did diverse eminent Services during the Wars; there they were not shut out from those Military Employments, for the publick safety was no way endangered by this, both because their Numbers that served in our Troops were not great, and because the States could easily prevent any inconvenience that might arise out of that, which could not have been done so easily, if the Roman Catholicks had been admitted to a share in the Government, and in the Policy or Justice of our State.

I am very certain of this, of which I could give very good Proofs, that there is nothing which their Highnesses desire so much, as that his Majesty may Reign happily, and in an entire confidence with his Subjects; and that his Subjects being perswaded of his Fatherly Affection to them, may be ready to make him all the Returns of Duty that are in their Power. But their Highnesses are concerned in their Consciences, that both the Protestant Religion, and the safety of the Nation, would be exposed to most certain Dangers, if either the TESTS or those other Penal Laws, of which I have made frequent mention, should be repealed. *Therefore they cannot consent to this, nor concur with his Majesty's Will; for they believe they should have much to answer for to God, if the Consideration of any present Advantage should carry them to Consent, and Concur in things, which they believe would be not only dangerous, but mischievous to the Protestant Religion.*

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Their Highnesses have ever paid a most profound Duty to his Majesty, which they will always continue to do; for they consider themselves bound to it, both by the Laws of God and of Nature: But since the matter that is now in hand, relates not to the making of *New Laws*, but to the total repealing of those already made by King and Parliament; they do not see how it can be expected of them, that they should consent to such a *Repeal*, to which they have so just an Aversion, as being a thing that is contrary to the Laws and Customs of all Christian States, whether *Protestants* or *Papists*, who receive none to a share in the Government, or to publick Employments, but those who profess the Publick and Established Religion, and that take care to secure it against all Attempts whatsoever. I do not think it necessary to demonstrate to you, how much their Highnesses are devoted to his Majesty, of which, they have given such real Evidences as are beyond all Verbal ones, and they are resolved still to continue in the same Duty and Affection, or rather to increase it, if that is possible. I am, Sir,

Novemb. 4. 1687.

Yours, &c.

Some time after the Publishing of this Letter, there being a Pamphlet put out, Intituled, *Parliamentum pacificum*, or, a *Happy Union of King and People, in an healing Parliament*; wherein it was affirmed that the Letter sent to Mr. *Stewart*, was not only Supposititious, but also that the Author had mis-represented their Highnesses Sentiments. Mr. *Fagel*, to justify himself was obliged to Write the following Letter to the Marquess of *Albeville*, the King's Envoy at the *Hague*.

My Lord,

1688

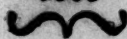
WE have seen here a Pamphlet in *English*, entituled, *Parliamentum Pacificum*, Printed this Year in *London*, with the Earl of *Sunderland's* Allowance; of which I cannot forbear complaining, how averse soever I am to Expostulations: The Author of it maintains that the Letter I writ on the 4th of *November* last, relating to the Test and Penal Laws, is either a Forgery, or that I writ it, without the Order or Approbation of their Highnesses, or at least of her Royal Highness the Princess. Not that I pretend to enter into the Particulars of that Pamphlet, with design to confute any thing in it; it being little agreeable to my Character and Inclination to meddle with publick Disputes of that Nature: But you must not think it strange if I put you in mind, that it was not of my own self that I engaged in writing the said Letter, but rather after I had been powerfully pressed to it for four Months together, from, or in the Name of his Majesty; and when at last



I was prevailed with to write it, I did it with all the Precaution which so nice an Affair seemed to require, insomuch that in all that Letter, there is not one Period, which I ought to fear might displease his Majesty. Nevertheless, I see that in a Writing printed by publick Authority, that Letter is branded as Supposititious, altho' his Majesty and even all the Court know the Truth of the Business. And besides that, I have owned it here to your Lordship as the King's Minister, and to all that spoke to me of it. But what is most injurious to me is, that I am therein charged with having abused their Highnesses, particularly that of her Royal Highness, as if I were a Person capable of so infamous a Cheat, and of a Falsity so unworthy of all Men of Honour, and that too in an Affair of the highest Importance. You will not take it ill, My Lord, if in this Matter I refer my self to the knowledge you have of it, and to what you have often told me your self. *viz.* That their Highnesses and particularly her Royal Highness the Princess, had declared their Thoughts to you concerning the Test and Penal Laws, in the same manner I had represented them; that you had acquainted the Court with it a long time before I wrought my Letter; and that you could not conceive what reason there was for pressing me to write to Mr. Stewart. I do assure you that I should not be much offended at the Pamphlet, nor at any other of that nature; having already foreseen that I should not fail being attacked on that score, wherein I could easily allow every Body the Liberty of pleasing themselves. But that Writing being Published under the Authority of the President of the King's Council and Secretary of State, my Honour is concerned to clear my self to the World of so unjust an Accusation as is laid to my charge; therefore I thought I could not do better than to Address my self to you, My Lord, as being his Majesty's Minister, and a Person perfectly well informed of the Business in question, desiring you would be pleased to write to the Earl of Sunderland about it. I believe he has neither seen nor examined the Passages of that Pamphlet which reflected upon me; and I am also persuaded that if he had, he would not have put an *Imprimatur* to it; for the said Earl of Sunderland knows as well as any Body, that the Letter of Mr. Stewart is no supposition, since he has seen the Letter it self or the English Copy of it, which I had sent along with it. He ought also to be no less assured by your Letters, and by what you have related by Word of Mouth, that their Highnesses, and particularly her Royal Highness the Princess, have several times told you their Opinion concerning the TEST and Penal Laws, as I have expressed it in my Letter to Mr. Stewart; therefore I dare promise my self, from the Justice and Goodness of the Earl of Sunderland, that

he

1688



he will take care that the License, which was surreptitiously obtained for the Printing of that Pamphlet, may be recalled, and the Author of so manifest and outrageous a Calumny brought to condign Punishment: Neither will I conceal from you, that I design to publish what has past in this Affair, as well as that I now take the Liberty to Write to you, not with design to engage any further in the main Business, much less to gratify any body, but solely to shelter my Honour from so false and heinous an Imputation.

The Seven Bishops being like to be tryed by Vertue of the Ecclesiastical Commission, for petitioning the King against reading the Declaration for Liberty of Conscience, in their respective Diocesses; and my Lord Bishop of Rochester being one of the Persons nominated to act in that Commission, he was so dissatisfied with the Proceedings against his Brethren, that he would concern himself no further therein, and Writ the following Letter to the other Commissioners.

*The Bishop of Rochester's Letter to the Ecclesiastical Commissioners.*

*My LORDS,*

I Desire a favourable Interpretation of what I am going to write to you, since your Lordships are resolved to prosecute those who have not read the King's Declaration, it is impossible for me to serve his Majesty any longer, in quality of a Commissioner. I am obliged to tell you, That tho I have my self obeyed his Majesty's Orders, and caused the Declaration to be read, nevertheless I will never contribute to the punishing of those my Brethren, who have not read it. For as I take God to Witness, that I have done nothing therein, but by a Principle of Conscience; so I am fully perswaded, that they have acted what they did from the same Principle. I cannot entertain any other Opinion of all the Clergy, who, upon all occasions, have given Marks of their Fidelity to the Crown, and of their Zeal and Affection for his Majesty's Person, even in the most difficult times. The safety of the Church of *England* seeming to be in danger by this prosecution, I find my self obliged to declare, That I cannot with a good Conscience, be a Judge in the Cause of so many excellent Men, of Exemplary Piety, with whom, were it the Will of God, I should rather chuse to suffer, then any manner of way be an Instrument of their Sufferings: I therefore, my Lords, earnestly

earnestly intreat you, to intercede for me with his Majesty, 1688  
 that he would have the goodness to allow me leave to  
 withdraw from among you, and to assure him at the same  
 time, That I shall be always ready to sacrifice all I have  
 for his Service, except my Conscience and my Religion.  
 I am,

My LORD,

Your Lordships most humble, and most

Obedient Servant,

THOMAS ROFFEN.

*The Marquis of Albeville's Memorial to the States  
 about a stricter Alliance.*

THE under-written Envoy Extraordinary of the King  
 of Great Britain, having received Orders to represent  
 to your High and Mightinesses, that altho' his Majesty did  
 believe, that the Declaration he had already made to your  
 Ambassador in England, of there being no Treaty between  
 him and the Most Christian King, than those that are in  
 publick and in Print, and that the Orders which he gave to  
 his said Ambassador upon that Subject, might have satisfy'd  
 your Lordship therein; nevertheless no Address nor Artifice  
 has been wanting to make the World believe, that the King  
 my Master hath entred into other Treaties and Alliances  
 with the most Christian King: His Majesty to make it ap-  
 pear what regard he has to the Friendship and Alliances that  
 are between him and your Lordships, and how desirous he  
 is of the Continuance of them, hath commanded his said  
 Envoy Extraordinary, to assure your Lordships, in his Name,  
 that there are no other Treaties between his Majesty and  
 the most Christian King, but such as are Publick and in  
 Print: And moreover, that as his Majesty earnestly desires  
 the Preservation of the Peace and Repose of Christendom,  
 so he will be very ready to concert the properest Measures  
 with your Lordships, for maintaining the Treaty of  
 Nimeguen, and the Twenty Years Truce made in the  
 Year 1684.

*The*



1688

*The Petition of the Lords Spiritual and Temporal  
for the Calling of a Free Parliament; together  
with his Majesties gracious Answer to their Lord-  
ships.*

To the King's most Excellent Majesty.

*May it please your Majesty,*

**W**E your Majesty's most Loyal Subjects, in a deep Sense of the Miseries of a War now breaking forth in the Bowels of this your Kingdom, and of the danger, to which your Majesty's Sacred Person, is thereby like to be exposed, and also of the Distractions of your People, by reason of their present Grievances, do think our selves bound in Conscience of the Duty we owe to God, and our Holy Religion, to your Majesty and our Country, that in our Opinion, the only visible way to preserve your Majesty, and this your Kingdom, would be the calling of a Parliament, Regular and free in all its Circumstances.

We therefore do most earnestly beseech your Majesty, that you would be graciously pleased, with all speed to call such a Parliament, wherein we shall be most ready to promote such Counsels and Resolutions of Peace and Settlement in Church and State, as may conduce to your Majesty's Honour and Safety, and to the quieting the Minds of your People.

We do likewise humbly beseech your Majesty, in the mean time, to use such means for preventing the Effusion of Christian Blood, as to your Majesty shall seem most meet.

*W. Canterbury.  
Grafton.  
Ormond.  
Dorset.  
Clare.  
Clarendon.  
Burlington.  
Anglesey.  
Rochester.  
Newport.*

*Wm. Ebor.  
William Asaph.  
Francis Ely.  
Thomas Roffen.  
Thomas Peterborough,  
Thomas Oxon.  
Paget.  
Chandois.  
Osulston.*

Presented by the Archbishop of Canterbury, the Archbishop of York Elect, the Bishop of Ely, and the Bishop of Rochester. November 17th. 1688,

*His Majesty's most gracious Answer.*

My Lords,

WHAT you ask of me, I passionately desire: And I promise you, Upon the FAITH of a KING, that I will have a Parliament, and such an one as you ask for, as soon as ever the Prince of Orange has quitted this Realm; for how is it possible, a Parliament should be free in all its Circumstances, as you petition for, whilst an Enemy is in the Kingdom, and can make a Return of near a hundred Voices.

1688

The Lords Petition, with the King's Answer may be Printed, November 29. 1688.

*The Lord de la Mere's Speech.*

THE occasion of this is to give you my Thoughts upon the present conjuncture, which concerns not only you, but every Protestant and free-born Man of England, I am confident that wishes well to the Protestant Religion, and his Country; and I am perswaded, every Man of you thinks both in danger, and now to lie at stake. I am also perswaded, that every one of you will rejoyce to see Religion and Property settled, if so be I am not mistaken in my Conjectures concerning you: Can you ever hope for a better occasion, to root out Popery and Slavery, than by joyning with the Prince of Orange, whose Proposals contain and speak the Desires of every Man that loves his Religion and Liberty? And in saying this, I will invite you to nothing but what I do my self; and I will not desire any of you to go any farther than I will move my self, neither will I put you upon any danger where I will not take share in it. I propose this to you, not as you are my Tenants, but my Friends, and as you are English-men. No Man can love fighting for its own sake, nor find any Pleasure in Danger; and you may imagine, I would be very glad to spend the rest of my days in Peace, I having had so great a share in Troubles; but I see all lies at stake, I am to chuse whether I will be a Slave and a Papist, or a Protestant and a Free-man; and therefore the case being thus, I shall think my self false to my Country, if I sit still at this time: I am of Opinion, that when the Nation is deliver'd, it must be by Force, or by Miracle; it would be a great Presumption to expect the latter, and therefore our Deliverance must be by Force, and I hope this is the time for it: A Price is now put

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put into our Hands, and if it miscarry for want of Assistance, our Blood is upon our own Heads; and he that is passive at this time, may very well expect that God will mock when the fear of Affliction comes upon him, which he thought to avoid by being indifferent.

If the King prevails, farewell Liberty of Conscience, which has hitherto been allowed, not for the sake of the Protestants, but in order to settle Popery. You may see what to expect if he get the better; and he hath lately given you of this Town, a taste of the Method whereby he will maintain his Army; and you may see what sort of People he intends his Army to consist of, and if you have not a mind to serve such Masters, then stand not by and see your Country-men perish, when they are endeavouring to defend you.

I promise this, on my Word and Honour, to every Man that goes along with me, that if he fall, I will make his Lease as good to his Family as it was when he went from home. The thing then which I desire, and your Country does expect from you, is this, That every Man that hath a tolerable Horse, or can procure one, will meet me on *Baden-Downs* to morrow where I rendezvouz, but if any of you is rendred unable by reason of Age, or any other just Excuse, that he would mount a fitter Person, and put five Pounds in his Pocket; those that have not, and cannot procure a Horse, let them stay at Home, and assist with their Purse, and send it to me with a particular of every Man's Contribution. I impose upon no man, but let him lay his Hand on his Heart, and consider what he is willing to give to recover his Religion and Liberty, and to such I promise, and to all that go along with me, that if we prevail, I will be as industrious to have him recompensed for his Charges and hazard, as I will be to seek it for my self: This Advice I give to all that stay behind, that when you hear the Papists have committed any Outrage, or any rising that you will get together; for 'tis better to meet your Danger than to expect it: I have no more to say, but that I am willing to lose my Life in the Cause, if God see it good, for I was never unwilling to die for my Religion and Country.

To



December.  
1688

To the King's most Excellent Majesty.

*The humble Address of George, Lord Dartmouth,  
Admiral of your Majesty's Fleet, for the present  
Expedition, and the Commanders of you Majesty's  
Ships of War, now actually at Spithead, in your  
Majesty's Service, under his Lordship's Com-  
mand.*

*Most dread Sovereign,*

THE deep Sense we have of the great Danger your Majesty's sacred Person has been in, and the great effusion of Christian Blood, that threatned these your Majesty's Kingdoms, and in probability, would have been shed, unless God, in his Infinite Mercy, had not put it into your Majesty's Heart to call a Parliament, the only means, in our Opinion, under the Almighty, left to quiet the Minds of your People, we do give your Majesty our most humble and hearty Thanks for your gracious Condescension, beseeching God Almighty, to give your Majesty all imaginable Happiness and Prosperity; and grant that such Counsels and Resolutions may be promoted, as may conduce to your Majesty's Honour and Safety, and tend to the Peace and Settlement of this Realm, both in Church and State, according to the Established Laws of the Kingdom.

*Dartmouth.  
Berkley.  
Ro. Strickland.*

*J. Berry.  
Jo. Beverley.  
John Leake.  
George St. Lo.  
John Lacon.  
Fr. Wicell.  
Will. Davis.  
John Munden.  
Tho. Legg.  
Tho. Leighion.  
S. Akerman.  
W. Cornwall.  
W. Fenning.*

*John Clements.  
Jo. Ashby.  
Robert Wiseman.  
John Feniper.  
Will. Booth.  
Tho. Coale.  
R. de la Val.  
Tho. Johnson.  
M. Aylmer.  
Fr. Frowde.  
Tho. Skelton.  
Ab. Potter.  
A. Hastings.*

*John Montgomery.  
M. Tonnant.  
Clo. Shovel  
E. Dover.  
R. Weston.  
W. Borham.  
J. Tyrrel.  
S. Fairborne.  
Henr. Bowler.  
Will. Pooley.  
Jo. Frazeby  
Ba. Wild.*

## A Letter about the Irish Alarm.

S I R,

1688

HAVING perused your Life of K. James 2. with which I was extreamly well pleased, and think the World much obliged to you for the Candor and Sincerity you have shewn therein, I cannot however omit taking notice to you of some remarkable Passages which happened in our Parts, and of which I can bear Testimony, relating to the *Irish* Regiment, and the Alarm occasioned by them, as well as that Unfortunate Prince's being at *Feversham* and *Rocheſter*, before he went away for *France*.

The King before he withdrew from *White-hall*, sent a Regiment of *Irish* to quarter in *Stroud*, *Rocheſter* and *Chatham*, the Officers of which resorted, as being the chief Quarters, to the Crown at *Stroud*; the Master of the House was a Native of *Maidstone* in *Kent*, but going over young into *Ireland*, where he lived about thirty Years, and married an *Irish* Woman, tho he spoke that Language very well, he pretended he could not, and therefore used the English Tongue altogether, however the Officers called him Country-man, and demeaned themselves civilly in the Place: But when the surprizing News came to them of the King's withdrawing from *White-hall*, they having expected every moment to be sent for, they held a Consultation what they should do, and resolved at their departure, to set fire to *Chatham*, *Rocheſter* and *Stroud*, and to begin with the Dock and the Churches. Now this being over-heard by their Landlord where the Consultation was held, he presently informed the Minister of the Parish, and the Neighbourhood of it, who thereupon with all the privacy imaginable, got Arms and Men into the Churches, and they in *Chatham* Yard doubled their Guard or Watch.

In the mean time the King, with Sir *Edward Hales*, being come privately to the *Horn* at *Chatham*, very early that Morning sent for the *Irish* Regiment to come thither, ordering a Regiment of *English*, that kept guard at *Tilbury* and *Gravesend* into their room: Now the noise of burning pursued the *Irish* to *Gravesend*, where a knot of them behaving themselves insolently, and instead of paying the Landlady for a Powl of Punch they had drank, threatening to cut her Husband's Throat, and that she should hold the Bason: Mr. *Stacey* the Mayor, at her out-cry, went thither with a Guard, and having pacify'd matters, and got the Woman paid, The *Irish* Officers thereupon that very Evening, pressed all the Boats and Barges about *Gravesend*, and taking their Regiment on board about an hour and half before

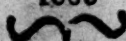
fore high-water, the Town being much alarmed herewith, Mr. Stacey the Mayor, the Old Mayor, who was then a Justice of the Peace, Mr. G—— Captain W—— and others, consulting what to do for the preservation of the Place, especially in that there were several Straglers up and down the Town, and very few left in the Fort, with a Design as they apprehended, to set it on fire, and to cut the Peoples Throats; they took care, in the first place, to seize and confine them in the Church, and to post a strong Guard upon the Bridge, lest the Regiment on Board, who seemed to sail towards London, should, now the Tide was almost spent, return and fall upon them. At the same time the Old Mayor took upon him to allarm the Country, that the *Irish* were come to cut their Throats at *Gravesend*: This dismal Cry was by two or three next Morning spread eight Miles round the place, so that every body armed, and seized all Strangers, and the Hills were covered by break of day with Multitudes, that went to the assistance of *Gravesend*.

In the mean while the following Adventure happened between the Townsmen at the Bridge, and the *Irish* from the Water, the last of which having carryed Captain *Sinclair*, the Deputy Governour of *Gravesend*, along with them, and according to order, seized the best Ship they could meet with, which happened to be the *Asia* bound for *Turkey*; they required the Sailors to weigh Anchor and Sail, who making Answer, they could not without a Pilot; the *Irish* Commander got an Ax and cut the Cable, which now upon the turn of the Tyde set the Ship afloat; upon which the Seamen and Deputy-Governour crying out, they should be drowned for want of a Pilot, the *Irish* thereupon mann'd several Boats, the first of which attempting to land at the Bridge to fetch a Pilot, the Mayor offered they should, provided they laid down their Arms, but the *Irish* Commander swearing they came not thither upon that intent, ordered his Men to fire upon the Townsmen, who returning the same into the Boats, many of the *Irish* were slain, and the rest surrendered themselves Prisoners, and were secured in the Church, while the rest of the Boats turned tail and fled.

The Townsmen far enough from being discouraged with the loss of five of their Men killed oughtright, and two or three wounded in this Action, but rather elevated with success, sent a few Men over in order to take care of *Tilbury* Fort, wherein, finding 16 or 17 *Irish*, who had heard the Skirmish at *Gravesend*, and were discouraged with the belief that the Regiment was not able to support them, they were persuaded to lay down their Arms, and carried Prisoners to *Gravesend*.



1688



While this was doing, the Townsmen sent a Boat to the *Irish* to summon them to surrender the Ship, but they, instead of compliance, firing at the Boat, the Townsmen on their part loaded their Guns, and having hit the Ship, the *Irish* to save themselves, ran up into the Shrouds, from whence to their Amazement, seeing the Shoar and the Hills full of Armed Men ready to oppose their landing, and soon after receiving a Cannon-ball from the Fort that fell among the Shrouds, they began now to despair of their own safety, and were easily induced by the Perswasion of the Deputy Governour, to send him a-shoar to make Terms for them, after which they soon submitted.

The Allarm was not only at *Gravesend* and the neighbouring parts, but the City of *Canterbury* now made application to the Earl of *Winchelsea* for its safety, and my Lord having heard of the King's absenting himself, ordered the Gates to be shut, which his Majesty, who was mounted and upon the Road, having Intelligence of, Sir *Edward Hales* conducted him to the Water side, and having agreed with the Master of a Smack to carry him for five Pounds so far as within Land reached, but to give him thirty if they went over the Sea, the Vessel, for want of Ballast was forced to stay near *Feversham*, where the Oyster-men observing by some part of a Cloak's hanging over the side of it, that there were in all likelihood, some Persons there who intended to make their escape out of the Land, and having noised this abroad, the Mob at *Feversham* was quickly up, and going a-board the Smack, one *Moon* by Name, begged he might carry the King a-shoar, tho he knew him not, but every body knew Sir *Edward Hales*, who said unto *Moon*; *Moon, have a care of the Old Gentleman*: *Moon* hereupon taking the King on his Back, as he carried him along, said, *Oh Father, thou hast a Pope in thy Belly as big as a two Yearling Calf*: The King being brought into the Town, the Mob and trained Bands swarmed about him, but none of them knew him, till a Baker, who had been Mayor of *Feversham* the Year before, came into the Room where he was, and falling down upon his Knees, begged his Pardon, as then all the rest did who were present, of which *Moon* was one, to whom the King smilingly said, *I do forgive thee, but I shall never forget thee*.

I need not, Sir, take notice to you of the King's being after this invited by the Lords to come back to *London*, of his going thither, and second and last withdrawing himself; you have been very particular in those matters, but I must observe one thing to you, when he came last to *Rockefter*, that has not been inserted, and that is, That the *Dutch* Guard which attended him thither, having posted themselves at the Gates, the Mayor of the Town feigned himself sick, so that the King, who lodged at Sir *Richard Heads*, was there at

tender

tended by *Patrick Mackleon*, the Constable, at what time the King's Guards came after him, and demanding Quarters of the Constable, *Mackleon* applyed himself to his Majesty thereupon, and having communicated to them the Directions he received from him, they returned Answer, *That they had not come thither by his Command, neither would they be removed by his Order.* This put his Majesty upon taking new Measures, and having writ his *Reasons for withdrawing himself*, which you have in your Book, he privately took Boat next Morning at *Black-stakes*, and retired into France.

Sir, I doubt I have been too tedious, for which I beg your pardon; you may make what use you please of this, and assure your self that I am, and ever shall be ready to serve you, Whilst I am

Wilmington, April 11.  
1703.

W. B.

## THE

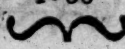
# Desertion Discus'd.

*In a Letter to a Country Gentleman.*

S I R,

Don't wonder to find a Person of your Sense and Integrity so much surpris'd at the Report of the Throne's being declared Vacant, by the lower House of the Convention: For now (say you) *can the Seat of the Government be empty, while the King, who all grant had an unquestionable Title, is still Living, and his Absence forced and involuntary? I thought our Laws, as well as our Religion, had been against the Deposing Doctrine; therefore I desire you would Expound this State Riddle to me, and give me the Ground of this late extraordinary Revolution.* In answer to your Question, you may please to take notice, That those Gentlemen of the Convention, and the rest of their Sentiments, who declare a Vacancy in the Government, lay the main stress of their Opinion upon his Majesty's withdrawing himself: For now, especially since the story of the *French League*, and the Business of the Prince of Wales, are pass'd over in silence, most Men believe that the

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 pretended breach of that which they call *The Original Contract* was designed for no more than a popular Flourish.

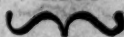
And that you may not be shocked by seeing the Votes of so considerable and publick a Meeting debated by a private hand, give me leave to remind you, That a Parliament and a Convention, are two very different things; the latter, for want of the King's Writs and Concurrence, having no share in the Legislative Power. If it's urged, That the present Posture and Exigence of Affairs, is a sufficient Dispensation with the usual Preliminaries and Forms in Parliament. To this I am obliged to answer, That this pretended Necessity is either of their own Making, or of their own submitting to, which is the same thing; and therefore ought not to be pleaded in Justification of their Proceedings. For if his Majesty had either not been driven out of his Dominions, or invited back upon honourable Terms, they need not to have had recourse to these singular Methods. And since they have neither the Authority of Law or Necessity, to support their Determinations, I hope they will not think themselves disobliged, if they are inquired into, and some part of that Liberty which they have taken with his Majesty be returned upon themselves. For all private and unauthorised Opinions are to be regarded no farther than they prove their Point. Like Plate without the Royal Impression, they ought not to be obtruded for current Coin; nor rated any higher than the intrinsic value of the Metal. Let us examine therefore, if his Majesty has done any think which imports, either in it self, or by necessary consequence, That he has voluntarily resigned his Crown, and discharged his Subjects of their Allegiance. Now the Author of *The Enquiry into the present State of Affairs*, &c. for whose Judgment the Commons seem to have a very great regard, as appears from their concurrence with him: For their most considerable Votes are, in a manner, transcribed from his 11th Paragraph. This Author tells us, Pag. 5. *That when a King withdraws himself, and his Seals, without naming any Persons to represent him, the Government is certainly laid down and forsaken by him.* Though afterwards he is so good natur'd as to add, *That if any imminent present Danger, or just Fear, (though indeed a King can never be decently suspected of that; I suppose his Reason is, because Kings are invulnerable) had driven his Majesty away, it might seem a little too hard to urge this too much.*

In order to the confuting this Notion, I shall prove in the

*First place*, That his Majesty, before his withdrawing, had sufficient Grounds to make him apprehensive of Danger, and therefore it cannot be called an *Abdication*.

*Secondly*





*Secondly*, That the leaving any Representatives behind him was impracticable at this Juncture.

*Thirdly*, That we have no Grounds, either from the Laws of the Realm, or those of Nature, to pronounce the Throne void, upon such a Retreat of a King.

But before I do this, its not improper to observe, That this pretence of a Demise, if it signified any thing, cannot affect *Scotland* or *Ireland*: Not the first, For there his Majesty's Commissioners acted in the usual manner, till they were disturbed: Nor the second, For that Kingdom continues still under the Regular Administration of the Lord Lieutenant. Neither is it sufficient to say, That *Ireland* is an Appenage to the Crown of *England*, and therefore it must follow its Revolution. For allowing a Demise was really consequent upon a Failure of Seals and Representatives, yet there would be no colour to apply it to a Case where there was no such Omission. For no Forfeiture ought to be stretched beyond the Reason upon which it is grounded. But this only by the way, I shall proceed to prove the first thing propounded, *viz.* That his Majesty, before his withdrawing, had sufficient Grounds to make him apprehensive of imminent Danger.

We are now fallen upon Times in which the most extravagant and almost impossible Things are swallowed without chewing, and the plainest Truths outfaced and denyed; as if Evidence was an Argument against Proof, and Absurdities the only Motives of Credibility: So that now, if ever, we seem fit for Transubstantiation. Had not some Men believed this true, in a great measure, they would never have disputed against matter of Fact, which was done almost in the Face of the whole Kingdom. To speak to the present Case; Had not his Majesty great reason to retire, to secure his Person and his Honour, at his first withdrawing from *Whitehall*? which is the time from which our Author dated his pretended Desertion (for he will not allow him to be King at his return) I say, had not his Majesty great Reason to retire when he had met with so many unfortunate Disappointments, with so many surprizing and unparallel'd Accidents? When part of the Army was revolted, and the remainder too apparently unserviceable? When the People had such fatal and unremoveable Prejudices against his Majesty's Service? When there were such terrible Disorders in the Kingdom, and all places were either flaming or ready to take Fire? What should a Prince do, when he had scarce any thing left him to lose but himself, but consult his Safety, and give way to the irresistible Evil? But our Author pretends the King's Affairs had a much better Aspect; Let us observe how he proves it. Why he tells us, *That when the Prince of Orange's Proposals came to his Majesty, the Army and the Fleet were left*

*in his Hands.* They were so, that he might pay them for the Prince's Service; for they owned his Majesty's Authority scarce any other way than by receiving his Money, and eating up his Meat. (It's to be hoped they have since repented of their Actions) But the Enquirer goes on with his Inventory of *Forts and Revenues*, which the King was to have still. He may know, if he pleases, that we have but four considerable *Forts* in the Kingdom. Now *Hull* and *Plymouth* had already disposed of themselves, and the *Tower of London* was demanded for the City; so that there was none but *Portsmouth* remaining. And as for the *Revenues*, 'tis to be feared, the Northern Collections would have been almost as slender as those in the West. And now one would think our Father began to relent: For he owns, *That some things which the Prince of Orange proposed, may be called hard; viz. his demanding that the Laws against Papists which were in Employment might be executed.* But the Enquirer is much mistaken, if he thinks the Prince of *Orange* insisted upon no more than the bare Execution of the Law in this point. For the Disbanding of all *Papists* (which was part of his Proposals) is much more than what the Laws requires; by which the *Papists* are only excluded from Offices of Command and Trust. But neither the *Test-Acts*, nor any others bar the King from Lifting them as common *Souldiers*. And lastly, to deliver up his best Magazine, and the Strength of his Capital City, to be obliged to pay a Foreign Army, which came over to enable his Subjects to drive him out of his Dominions, were very extraordinary Demands, and looked as if there was a Design to reduce him as low in his Honour, as in his Fortune. To forgive a Man who endeavoured to Ruin me, is great Christian Charity; but to Article away my Estate to him, because he has Injured me, is such a Mortification as no Religion obliges me to. This is in effect to Betray our Innocence, and Sign away the Justice of our Cause, and own that we have deserved all that hard Usage which has been put upon us; so that it's easie to imagine what an unconquerable Aversion the Spirit of Princes must needs have to such an unnatural Penance. In short, when the *Forts and Revenue* were thus disposed of; when the *Papists* were to be Disbanded, and the *Protestants* could not be trusted; when the Nation was under such general, and violent Dissatisfactions when the King in case of a Rupture, (which was not unlikely) had nothing upon the Matter but his single Person to oppose against the Prince's Arms, and those of his own Subjects; when his mortal Enemies, and those who were under the highest Forfeitures to his Majesty, were to sit judges of his Crown and Dignity, if no farther; when Affairs were in this Tempestuous Condition, To say that a Free and Indifferent Parliament might be chosen, with

with relation to the King's Right, as well as the Peoples, and that his Majesty *had no just visible cause to apprehend himself in Danger*, is to out-face the Sun, and to trample upon the Understandings, and almost upon the Senses of the whole Nation.

2. It's not improper to examine what doughty Reasons the Enquirer advances to prove, the *King's coming from Ferverham to White-hall to be no return to his People*. The Reason of his affirming this is apparent; He is sensible what singular usage his Majesty met with, and therefore he would fain unking him, that it might the better suit with his Character. But, pray, what had the King done to incur a Forfeiture by his first Retirement? Had he quitted the Realm? If that was material, it cannot be alledged, for his Majesty was no farther off than the Coast of *Kent*. Did he refuse to take care of his People any longer, when the Lords went down to Visit him to *White-hall*? No: If he had, he would not have come back when he was at his Liberty. His return, after some Assurances of fair Treatment, is a plain discovery of the Motives of his withdrawing; and that he came up with an intention to Govern. For, I believe, few People imagine that his Majesty would take such a Journey only to have *Dutch* Guards clapp'd upon him; to be hurried out of his Palace, and carried Prisoner down the *Thames* at Noon Day. But *the Seals never appeared*. What time was there for them in 24 Hours? Besides there was an Order of Council with his Majesty at the Head of it, for suppressing the Mobile, Dated *December 18*, which was the next Day after his Majesty's return. And when he was sent back to *Rochester*, he might plainly perceive his Government was at an End for the present. For the *Tower* was Garrison'd by Foreign Forces; The Lords published an Order by their own Authority, to oblige the Papists to depart the Town: The City made an Address to the Prince of *Orange*, which was a Virtual acknowledgment of his Power; and Associations came up to that purpose out of the Country; (*Cambridge-shire* Address) not to omit that his Majesty was denyed a small Sum of his own Gold to heal with; as if they had rather poor People should perish with Boyles and Ulcers, than shew common Justice and Humanity to their King. From all these remarkable Circumstances, his Majesty might easily guess how they intended to dispose of him: For no Man in his Sences, who has treated a Prince so contemptuously in his own Kingdom, will ever permit him either Power, or Liberty, for fear he should remember his former Usage. From what has been said, it's most evident, that his Majesty had all imaginable reason to provide for his own Security in some other Country.



And since his Majesty had sufficient reasons to withdraw, there can be no pretence for Abdication: For we are to observe, that to Abdicate an Office, always supposes the Consent of him who Quits it. That this is the signification of the Word *Abdico*, appears from *Tully*, *Salust*, and *Livy*; to which I shall only add the Learned *Grotius*, de *Jure Belli*, &c. *Libr. 1. Cap. 4. Sect. 9.* Where he makes Abdicating the Government, and plainly giving it up, to be *Terms* of the same importance.

And to prevent unreasonable Cavils, he adds, that a Neglect, or Omission in the Administration of the Government, is by no means interpreted a Renunciation of it. We have but two Instances with us which looks like an Abdication since the Conquest, which are in the Reign of *Edward II.* and *Richard II.* both which were unjustly Deposed by their Subjects. However they did not renounce their Allegiance, and declare the Throne void, till they had a formal Resignation under the Hands of both those unfortunate Princes. And hence it appears how unlucky our Enquirer is at citing the Laws. For *Pag. 12.* He tells us, *That since these two Princes have been judged in Parliament for their Male Administration, and since these Judgments have never been vacated by any subsequent Parliament, these Proceedings are part of our Law.* From hence I observe,

1. That our Author contradicts himself. For here he owns that Male Administration is sufficient to warrant Deposition, and Resistance. But in his Enquiry into the Measures of Submission, &c. (For both these Papers are generally supposed to come from the same Hand) *Pag. 5. Par. 14.* He is much kinder to the Crown; for there he asserts, *That it is not lawful to resist the King upon any pretence of ill Administration, and that nothing less than subverting the Fundamentals of Government will justify an Opposition.* Now I am much mistaken, if Deposing of Kings is not Resisting them with a Witness. But besides his Self-contradiction, the case is not to his purpose: For,

1. These Parliaments were called in tumultuous times, when the Subjects were so hardy as to put their Kings under Confinement. Now if it is against the Constitution of Parliaments to Menace the Two Houses out of their Liberty of Voting freely, then certainly Kings ought not to be over-awed by Armies and Prisons. These Parliaments therefore are very improper to make Precedents of.

2. These Princes were wrought upon so far as to resign their Crowns, which each of them did, though unwillingly; let this Enquirer produce such a Resignation from His Majesty, and he says something.

3. He is much mistaken in saying *these judgments*, as he calls them, *have not been vacated by subsequent Parliaments.*

For all those subsequent Parliaments, which declare it Unlawful to take up Arms against the King, do by necessary implication condemn these Deposing Precedents; for it's impossible for Subjects to Depose their Princes without Resisting them.

2. By Act of Parliament the First of *Edward 4.* yet remaining at large upon the Parliament Rolls, and for the greater part recited *verbatim* in the Pleadings in *Bagger's Case*, in the Year Books (*Trin. Term. 9. Edw. 4.*) The Title of *Edw. 4.* by Descent, and Inheritance, is set forth very particularly; and that upon the Decease of *Rich. 2.* the Crown by Law, Custom, and Conscience, Descended and belonged to *Edmund*, Earl of *March*, under whom King *Edw. 4.* claimed.

It is likewise further declared, That *Hen. 4.* against Law, Conscience, and Custom of the Realm of England, Usurped upon the Crown and Lordship thereof, and *Hen. 5.* and *Hen. 6.* occupied the said Realm by Unrighteous Intrusion, and Usurpation, and no otherwise.

And in 39 *Hen. 6. Rot. Parl.* when *Richard Plantagenet*, Duke of *York*, laid claim to the Crown, as belonging to him by right of Succession it was.

1. Objected in behalf of *Hen. 6.* that *Hen. 4.* took the Crown upon him as next Heir in Blood to *Hen. 3.* not as Conqueror.

To this it was Answered, That the pretence of Right as next Heir to *Hen. 3.* was false, and only made use of as a Cloak to shadow the violent Usurpations of *Hen. 4.*

2. It was objected against the Duke of *York*, That the Crown was by Act of Parliament Entailed upon *Hen. 4.* and the Heirs of his Body, from whom King *Hen. 6.* did Lineally Descend. The which Act (say they, as it is in the Record) is of Authority to defeat any manner of Title. To which the Duke of *York* replied; That if King *Hen. 4.* might have obtained, and enjoyed the Crowns of England and France by Title of Inheritance, Descent, or Succession, he neither needed, nor would have desired, or made them to be granted to him in such wise, as they be by the said Act, the which takes no place, nor is of any Force or Effect, against him that is right Inheritor of the said Crown; as it accordeth with God's Laws, and all natural Laws. Which Claim and Answer of the Duke of *York*, is expressly acknowledged and recognized by this Parliament, to be Good, True, Just, Lawful and Sufficient. Cotton's Abridge-ment. Fol. 665, 666.

From these Recognitions it plainly follows,

1. That the Succession cannot be interrupted by an Act of Parliament, especially when the Royal Assent is given by a King *De Facto*, and not *De Jure*.

2. The Act 9. of *Edw. 4.* by declaring the Crown to Descend

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Descend upon *Edmund Earl of March*, by the Decease of *Rich. 2.* does evidently imply, That the said *Richard* was rightful King, during his Life, and consequently that his Deposition was Null and Unlawful.

If it's demanded, Why his Majesty did not leave *Seals and Commissioners* to supply his Absence? This Question brings me to the Second Point, viz. to shew,

That the leaving sufficient Representatives was impracticable at this Juncture. For

1. When the Nation was so much embroiled, and the King's Interest reduced to such an unfortunate Ebb; it would have been very difficult, if not impossible, to have found Persons who would have undertaken such a dangerous Charge. The Man must have had a Resolution of an extraordinary Size who would venture upon Representing a Prince who had been so much disrespected in his own Person; whose Authority had been set aside, and his Ambassador clapt up at *Windsor*, when he carried not only an inoffensive but an obliging Letter. But granting such a Representation had been engaged in; the Commissions must either have extended to the Calling of Parliaments, or not; if not, they would neither have been Satisfactory, nor absolutely necessary. Not satisfactory, For the want of a Parliament was that which was accounted the great Grievance of the Nation, as appears from the Prince of *Orange's* Declaration. Where he says expressly, *That his Expedition is intended for no other Design but to have a Free and Lawful Parliament assembled, as soon as is possible.* Declar. p. 12.

Secondly, This Expedient was not absolutely necessary; for the Administration of Justice might have proceeded Regularly, without any such Deputation, by Virtue of those Commissions which the Judges and Justices of the Peace had already from the King. This I shall prove,

1. From a parallel Instance; King *Charles the I.* took a Journey into *Scotland* in 41, during the Session of Parliament at *Westminster*; where, tho he appointed Five Lords to sign Bills in his Name, (the Continuation of *Bak. Chron.*) yet the Judges and Justices acted by virtue of their former Commissions, without any new Authority from any Representatives of his Majesty. Now *Scotland* is as much a distinct Kingdom from *England*, as *France*; and *France* as much his Majesty's Dominions as *Scotland*: And therefore if Commissions will hold in the King's Absence in one Place, why not in the other?

Secondly, The present Judges met in *January* last at *Westminster*, to dispatch some Business in order to keep the Term, but were forbidden to proceed by the Prince of *Orange's* Secretary: So that it is plain, it was the Opinion of these Re-

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verend Judges, that their Commissions from his Majesty were still in force. But in the next place,

If his Majesty had deputed any Persons to represent him in Parliament, this Method would have been attended with new and insuperable Difficulties. For,

1. If they had been limited they would not have given satisfaction : For it being impossible to foresee the Business and Votes of a Parliament at a distance, If they had been restrained to certain Points, in all probability they would have wanted Power to have passed all the Bills, and so their Deputation would not have answer'd the Desire of the Houses, and the greatest part of their Grievances might have been counted unredressed. If its said that the Parliament might have requested an Enlargement of their Commission from his Majesty. To this I Answer, That the Convention may send to his Majesty for an Expedient now if they please. And, I hope, they will ; for I hear his Majesty has been so gracious as to send to them. But,

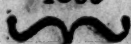
2. If these Commissioners were unlimited, it would be in their Power to do a great many things prejudicial to the Crown ; In such a case they might alter the Monarchy into a Common-wealth, or Sign the Deposing of his Majesty, if such Bills should happen to be offered. And though there may be many Persons of Honour, and Conscience enough, to lodge such a Trust with : Yet in regard his Majesty has been lately mistaken in some, of whose Fidelity he had so great an Assurance, he has small encouragement to be over-confiding for the future. Indeed no wise Prince will trust so vast a Concern as a Kingdom, with the Honesty of another, especially when many of his Subjects are Disaffected, and in a Ferment. So that nothing can be more unreasonable than to expect such Plenipotentiary and Absolute Commissioners.

3. I shall prove in the last place, That we have no grounds, either from the Laws of the Realm, or from those of Nature, to pronounce the Throne void, upon such a Retreat of a Prince, as we have before us.

1. To begin with the Laws of the Realm, which are either Acts of Parliament, or those we call Common Laws. Now there is no Statute so much as pretended to support this Deserting Doctrine ; and if there was, it's certain no such can be produced. Indeed a Prince must be very weary of Governing, and void of the common Inclinations of Mankind, who would sign a Bill of this Nature, and give his Subjects such a dangerous Advantage against himself and Posterity.

Neither has this Opinion any better Countenance from Common Law : For Common Law is nothing but Antient Usage, and immemorial Custom. Now Custom supposes Pre-

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Precedents and Parallel Cases: But its granted of all hands That the Crown of *England* was never judged to be Demised, by the withdrawing of the Prince before now. And therefore it follows, by undeniable Consequence, that this Opinion can have no Foundation in the common Law, because there is not so much as one Ruled Case to prove it by. Nay, our Laws are not only silent in the maintenance of this Paradox, but against it, as I shall make good by two Precedents.

1. From the Case of *Edward* the Fourth, who having no sufficient Force to encounter the Earl of *Warwick*, who had raised an Army for King *Henry*, was obliged to fly the Kingdom; but that he deputed any Persons to represent him, our Histories don't give us the least intimation: Neither was it objected at his Return, that he had abdicated the Government, by omitting to constitute a Regent. Neither is it material to object, that all Disputes of this Nature were over-ruled by his Victorious Army; for if it had been the known Law of this Realm, that a Prince had *ipso facto* forfeited his Crown by going beyond Sea, without leaving a Deputation, though his Departure should happen to be involuntary: If this, I say, had been the Law of the Kingdom, it would not only have been a great Advantage to *Henry* the Sixth and made the Nation ring of it, (of which there is *altum Silentium*;) but we may be well assured, King *Edward* would not have conferr'd Honour, worn the Crown, and taken the State and Authority of a King upon him, till he had been re-established by Parliaments. But that he did exercise all Acts of Sovereignty before the calling of a Parliament, appears from *Daniel*, *Stow*, and *Baker*. And when the Parliament was Convened, those who had taken up Arms against him were found Guilty of Treasons, and his Adherents were restored to Blood and Estate (*Daniell*.) But there was no Confirmation, or resisting of his Title, which is a Demonstration there was no need of it; and that this Abdicating Doctrine was perfectly unknown to that Age.

2. To come nearer our own Times, what Seals, or Commissioners did *Charles* the Second leave behind him after the *Worcester* Fight? And yet, I believe, no Mortal ever urged this as an Argument against his Restauration. If it be answered, that there was much more Danger in this case, than in that before us. To this I reply, That if we examine the Matter more narrowly, we shall find the disparity very considerable. For was there not a numerous Army of Foreigners and Subjects in the Field, against his present Majesty at his retiring? What Power or Authority, or so much as Liberty was there left him? And I am afraid that at the time he had fewer Friends to stand by him than his Brothers after the unfortunate Battel in 51.

And since this pretended Dereliction has no manner of Protection

Protection from the Constitution, it has no other Refuge but the Laws of Nature to fly to; but a very little Storming will serve to drive it from this last Retrenchment.

For the Law of Nature is nothing but the Reason of the Thing. Now impartial Reason has always a regard to the Circumstances of Action, and makes Allowances for Surprise, for Straitness of Time, for Resentment upon extraordinary Provocation; and never takes an Advantage of an Omission, which may be fairly Interpreted from any, or all of these Causes. I mention this, not that the present Case needs any such Allowance, but to shew that the Law of Nature will admit it, if occasion required. 'Tis true, written Laws, either through the ambiguity of the Words, or the defectiveness of the Sense, are often abused by ill Men, and wrested contrary to the Design of the Legislators: But the Law of Nature is not tyed up to the Alphabet, nor bound to determine by the Imperfections of former Ages. Therefore this Principle will give the Enquirer no *just Advantages* against his Majesty; for Equity has no Quirks in it, nor ever lies at Catch. Reason is always just and generous, it never makes Misfortune an Accusation, nor judges in favour of Violence. Indeed, what can be more Unrighteous, (though the Case was private and inferior) than that any one should Suffer for being Injured, and be barred his Right for the Faults of others? If a Man should forfeit his House to thee who set it on fire, only because he quitted it without some formal Directions to the Servants; and be obliged to lose his Estate, for endeavouring to preserve his Life. I believe it would be thought an incomprehensible sort of Justice. If to proceed in this manner be not to establish Wickedness by a Law, I have done. If Princes may be thus roughly treated, their Birth is a Misfortune to them; and we may say, they are Crown'd rather for Sacrifice than Empire. At this rate, the People must even Govern themselves, for the Throne will be a place of too much Danger to sit on any longer. We have an Excellent Church, and we do well to take due care to continue its Establishment; but to dispossess our Prince, upon this Score, has as little Divinity as Law in it. To endeavour to preserve our Religion by such Methods, will make it the more fatal to us in the Event than Atheism it self. 'Tis a Mistake to think the World was made for none but Protestants; and if Dominion was founded in Grace, I am afraid our share would not be great in the Division.

If it is Objected, That his Majesty's not sending to his People, upon his Removal, is an Argument that he intended to govern them no longer. To this I Answer.

1. That



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1. That I am pretty well assured that no Man, who makes this Objection, believes the truth of it; and therefore I might safely leave it to his own Conscience to confute him.

Secondly, His Majesty was scarcely Landed in *France* before the Administration was conferred upon the Prince of *Orange*; which Action might very well discourage his Majesty from sending any Messages so soon as he intended: But since it's known, his Majesty has sent Letters (if not to the Privy Council, as some affirm,) yet to the Convention.

Thirdly, Those who were the Occasion of his Majesty's Departure, should (one would think) have waited on him, and invited him back. For without question, the injuring Person ought to make the first step towards an Accommodation, especially when the Wrong is done to his own Prince. Now whether his Majesty has been well used in this Revolution, or not, I leave the World to judge now, and I doubt not but God will do it afterwards.

Thus (SIR) I have ventured to give you my Thoughts upon this Subject; and am

*Affectionately Yours.*

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*A Letter to a Member of the Convention.  
by Dr. Sh——ck.*

S I R,

I Hear you are Elected a Member of this next Convention and therefore expect to see you very suddenly in Town, But I can tell you my Mind more briefly in Writing, and you may think better of it, when you see it before you, and therefore I rather chose to give you the trouble of this Paper, than to leave all to a personal Conference at our next meeting.

I will not dispute with you about what is past, or what is to come; it is too late to do the first, and for the second, whatever becomes of other Arguments, Interest is most apt to prevail, and therefore all that I beg of you, is to take care that you do not mistake your own and the Nation's Interest in a matter of such high Concernment.

There

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There is no less Affair before you than the Fate of Princes, and of three Kingdoms, which requires the most Calm, Mature and deliberate Advice; and yet when you come to London, you will find such Distractions and Divisions in Men's Counsels, that all the threatening Dangers of Popery were not a more formidable Prospect to considering Men, and Old Animosities are revived, and new ones somented every day; some were visibly acted by Ambition, others by Revenge; the Dissenters are very busie to undermine the Church, and the Commonwealth-men to subvert Monarchy, and the Lord have mercy upon us all. I doubt not but you will readily confess, that it is the common Interest to have things settled upon such a bottom, as is most like to last, and then I am sure, you must consult both Law and Conscience in the matter, and keep to the Old Establishments as near as you can; for when there are so many Distemblers in Mens Minds, and such contrary Interests, It's no time to innovate; 'tis no time to lay new Foundations, when there are frequent Earthquakes, which will not give them time to settle: The Revolutions of State have been so quick and sudden of late, that all prudent Men will be cautious how they try Experiments which are commonly dangerous and uncertain, but especially in matter of Government, which depends upon the good liking of free and moral Agents; and when so many hundred thousands are to be satisfied, you can never guess at the prevailing Opinion, by the Major Vote of a Convention.

Let us then consider what is most likely to give the most general satisfaction to the Nation; for that I am sure, is most likely to be lasting; and because you may be a stranger to these matters yet, I will give you an account of the different Projects now on foot, as well as I can learn them.

Some are for sending to the King, and treating with him to return to his Government, under such legal Restraints, as shall give security to the most Jealous Persons, for the preservation of their Liberties, Laws and Religion, and if he will not consent to this, to make the next Heir Regent; others are for declaring the Crown forfeited and demised, and proclaiming the Princess of Orange; Others will have the Government dissolved, and begin all *de novo*, and make the Prince of Orange King; or Crown him and the Princess together, and postpone the Title of the Princess Ann till after the Prince's death, if he survive the Princess. I shall not pretend to tell you, which of these I should prefer, were it *Res integra*; for the Question is not, which you and I should like best, but which will be the firmest Foundation for the Peace but Settlement of these Kingdoms.

1. And for the first, Tho' it be horribly descryed, and such Men foolishly exposed as Friends to Popery and Arbitrary

Arbitrary

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trary Power, yet I could never meet with any one yet, who had the Face to reject all Treaty with the King, upon any other pretence, but that it was in vain, and 'tis impossible he should give any Security to the Nation, That he would govern by Law, which is so ridiculous a Pretence, that it will satisfy no body, but those who are resolved that he shall never return; for, as little as I am versed in this matter, I could frame such Laws as should put it utterly out of the King's power to invade our Liberties or Religion: However I am sure, we should have thought our selves very secure, would the King have called a Free Parliament, and given them Liberty to have made what Laws they pleased, and that which would have given such general satisfaction before, had it been granted: I suspect, should it now be granted, and refused, that should give us general dissatisfaction; nay, the very refusal to treat, will be thought such a Scandalous neglect of our Duty to a Foreign Prince, and give such Jealousies to People, that those who oppose it, are only afraid the King should comply, as will be the Foundation of universal Discontents, which will shew themselves upon the first occasion: It's certain, would the Convention treat with the King, either they would agree, or they would not agree; if they could not agree upon the proposal of reasonable Securities, this would satisfy Multitudes of People that they had tried; if they did agree, this would give universal Satisfaction, and there were an happy end of all our Troubles.

But now let us suppose, that part of the Convention should prevail, which is against treating with the King, and for deposing and setting him aside without any more to do; let us consider what is like to be the most probable Consequence of this.

It is certain, This fundamental Change in the Government, cannot be made by any legal Authority, for the Convention will not pretend to any such Legal Power, and there can be no Parliament without a King; and a King, whose whole Authority depends upon a Convention that has no such Authority, is but in a weak State as to Civil Right: No Man will think himself bound in Conscience to obey him, and when every Man's Conscience is free, let such a Prince beware of epidemical Discontents: And let you and I calmly consider, what Discontents may probably arise upon such a Juncture.

1. First then, All those who think themselves bound by their Oaths of Allegiance, to defend the King's Person, Crown and Dignity, who wonder at Men of Law, who talk of a Forfeiture or Demise of the Crown while the King lives, and flies out of his Kingdom only for the safety of his Person, and because he will not trust himself in the Power

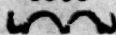


of his Enemies; I say, all such Persons will be greatly discontented at Deposing the King, and will never own any other King, while their own King, to whom they have sworn Allegiance, lives; and tho' you should suppose such Conscientious Men to be very few, yet if these few should happen to be Persons of Character, of known Prudence and Ability, Integrity and Honesty in Church or State, their Example would give a tolerable Shock to such a new tottering Government, tho' they were never so tame and peaceable, void of Faction and Sedition themselves.

And yet let me tell you, you must not judge of the numbers of these Men, by the late general defection; the whole Nation, I confess, was very unanimous for the Prince, great numbers of Gentlemen, nay, of the King's own Soldiers, went over to him; very few but Papists offer'd their Service to the King; but the reason of this was very evident, not that they were willing to part with the King, and set up another in his room, but because they were horribly afraid of Popery, and very desirous to see the Laws and Religion of the Nation settled upon the old Foundation by a free Parliament, which was all the Prince declared for; but many who were well-wishers to this Design, will not renounce their Allegiance to their King; and now they see what is like to come of it, are ashamed of what they have done, and ask God's pardon for it, and are ready to undo it as soon as they can.

2. Besides a thousand occasions of Discontent which may happen in such a Change of Government as this which nobody can possibly foresee, and yet may have very fatal Consequences; there were some very visible occasions for it, besides the sense of Conscience and Loyalty. How many Discontents think you may arise between the Nobility and Gentry, who attend the New Court? Every Man will think he has some Merit, and expect some marks of Favour, to have his share of Honour, and Power, and Profit, and yet a great many more must miss than those who speed; and many of those who are rewarded, may think they have not their Deserts, and be discontented to see others preferred before them: and those whose Expectations are disappointed, are disoblig'd too, and that is a dangerous thing, when there is another, and a rightful King to oblige; for Duty and Discontent together, to be revenged of a New King, and to be reconciled to an old one, will shake a Throne which is so sandy a Foundation: The like may be said of the Sol-diers, who are generally Men of Honour and Resentment, and have the greater and sharper Resentment now, because they are sensible of their Mistake when 'tis too late, yet as they ought not to have fought for Popery, nor against the Laws and Liberties of their Country, so neither ought they

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to have deserted the Defence of the King's Person and Crown, but have brought the Prince to Terms as well as the King.

Thus you may easily fore-see what a heavy Tax must be laid upon the Nation to defray the charge of this Expedition; and I believe the Country would have paid it very cheerfully and thankfully, had the Prince restored to them their Laws and Liberties and Religion together with the King: But you know Men are apt to complain of every thing when Money is to be paid, and may be it will be thought hard to lose their King, and to pay so dear for it too: And tho' what the Convention does is none of the Princes Fault no more than it was his Design, but angry People do not use to distinguish so nicely. But there is a greater difficulty still then all this, there are no Contentions so fierce as those about Religion, this gave Life and Spirit to the Prince's Design, and had the main stroke in this late Revolution; and tho' Popery were a hated Religion, yet most Men are as zealous for their own Religion as they are against Popery those of the Church of *England* who are very glad to get rid of Popery, will not be contented to part with their Church in the Bargain, for this would be as bad as they could have suffered under Popery: The several Sects of Dissenters are glad to get rid of Popery also; but now they expect glorious Days for themselves; and what they expect God Almighty knows, for I am confident they do not know themselves: Now consider how difficult it will be for any Prince who has but a crazy Title to the immediate Possession of the Crown, to adjust this matter so, as neither to disgust the Church of *England* nor the Dissenters, and if either of them be disobliged, there is a formidable Party made against him. This being the case, should the King be deposed, and another ascend the Throne, it will be necessary for them to keep up a standing Army to quell such Discontents; for where there are, and will be Discontents without any tye of Conscience to restrain Men. there can be no defence but only in Power; and this will raise and increase new Discontents, for it alters the frame of our Constitution, from a Civil to a Military Government, which is one of the greatest Grievances we have complained of; and I believe *English* People will not be better pleased with *Dutch* or *German*, or any Foreign Souldiers, than they were with their own Country-men; and I believe *English* Soldiers will not be extremely pleased to see themselves disbanded, or sent into other Countries to hazard their Lives, while their Places are taken up by Foreigners, who live in Ease, Plenty and Safety; and when things are come to this pass, which is so likely, that I cannot see how the Wit of Man can prevent it, I shall propose but one thing more, which you will say is not unlikely.

likely, that the King return with a Foreign Force, to recover his Kingdoms, how ready will the Men of Conscience, and the Men of discontent be to Joyn him; nay, to invite him home again; and if he returns a Conqueror, you will wish, when it is too late, that you had treated him, and brought him back upon safe and Honourable terms.

*Secondly*, Let us suppose now, That all this should be over-voted (for I am sure it can never be answered) and the Convention should refuse to proclaim the next Heir.

1. You must be sure to examine well who is the next Heir; that is, you must thoroughly examine the Pretences of the Prince of *Wales*, and if you have not good Proof of the Imposture, you had better let it alone. For tho' the Nation has had a general Presumption of it, yet a Male Heir of the Crown is mightily desired, and People would be very fond of him, if they had one, and seem to expect better Proofs than meer Presumptions against him; because common Fame has promised a great deal more, and if you should either say nothing to it, or not what is expected, it would be a very plausible Pretence for discontented People to quarrel.

2. Suppose the Princess of *Orange* should appear to be the next Heir, what if a Lady of her eminent Virtue should scruple to sit upon her Father's Throne while he lives? Or what if she should scruple it hereafter, and place her Father in his Throne again? This is not impossible, for Virtue is greater than a Throne. For my part, I think you will put a very hard thing upon so excellent a Lady, and I pray God give her Grace to resist the Temptation. A Regency is more tolerable, because a Nation must be governed, and none so proper to govern it as the next Heir; but I should think none who expect to wear a Crown, should countenance Subjects in deposing their King, nor accept of a Crown upon such Terms, as to take it off of a Father's Head: It's a dangerous thing for a Prince who has a Title to the Crown, to own that the Crown may be forfeited and demised by such a withdrawing; if this be not so, the Princess has no right to the possession of the Crown yet, and if it be so, her Crown is worth a great deal less than formerly it was, especially if she own this Secret by accepting the Crown, which her Ancestors always concealed, and which the best Subjects of *England* would not believe before; what they may do after this, I know not.

*Thirdly*,



Thirdly, The next Design (I verily believe, without the Thought or Knowledge of the Prince, who has too great a Mind to think of any thing, which in the Opinion of any wise Man, could stain and sully his Glory) is to give the Crown to the Prince of *Orange*, for it must be a Gift, if any thing; for he has no immediate Title to it that I know of. This is upon a pretence that the Government is dissolved, and therefore we must begin *de novo*, which is very ridiculous, when the King is still alive, and the Laws in as full force as ever, only the regular Administration of the Government, at present interrupted by the King's absence; but this is not the worst of it, for 'tis a dangerous pretence too, especially to Men of Quality and Estates, as you are; for if the Government be dissolved, our Laws are dissolved, and Honour and Property dissolved with them, and then I doubt the Mob will come in for their share in the New division of the Lands, and set up for Men of [as good Nobility as any; for if our Laws are gone, we return to a state of Nature, in which all Men are equal, and all things common; this, I believe, you'll not be for, for that reason above mentioned.

If then the Laws continue, the Government is not dissolved, and the Crown is not a Gift, but an Inheritance still, as much as your Estate; and then the Prince of *Orange* cannot have it in his own Right, because his own Princess, and the Princess *Ann* are before him; Consider then what the Consequence of the Project would be.

1. This alters the essential Constitution of the *English* Government, by changing an Hereditary into an Elective Monarchy, a thing which I know some Men are very fond of; for even the next occasion they can find to quarrel with their Prince, they may, with as much ease, turn it into a Commonwealth, for when the Crown is at the People's disposal, they may, if they please, keep it to themselves.

2. This will entangle all Men of Conscience in new Difficulties; for the Oath of Allegiance does not only bind us to the King, but to his Heirs and Successors, which must be understood of the next lineal Heir, where there is no Authority to alter it; and whatever a Parliament may be thought to have with the Authority and consent of the King, no Man pretends that a Convention of the Estates has any Legal Authority to do it: I should be as heartily glad as any Man, to see the Prince of *Orange* Legally seated on the *English* Throne; but these are Difficulties I cannot break through. Thus I have given you my hearty Thoughts, and pray God to direct you.

I am Yours.

POSTSCRIPT.

## POSTSCRIPT.

**T**HERE is one thing more I would beg of you, That the Story of the French League to cut the Protestants Throats in England, may be well examined, for this did more to drive the King out of the Nation, than the Prince's Army; and if this should prove a Sham, as some, who pretend to know, say it is; it seems, at least, to be half an Argument to invite the King back again: In short, remember you are a Convention, not a Parliament, and therefore nothing can give Authority to what you do, but the good liking of the People; and as Necessity only can justify your meeting without the King's Writ, so I hope you will take care to do nothing but what will justify your self to God, the King, and your Country.

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